A REVIEW AND EXAMINATION

Of a PAMPHLET lately publiſhed,

Bearing the Title of

PROTESTERS NO SUBVERTERS,

AND

PRESBYTERIE no PAPACY, &c.

By ſome lovers of the Intereſts of CHRIST in the Church of SCOTLAND.

EDINBURGH,

Printed *Anno Dom.* 1659.

Union Theol. Sem. Library
MCALPIN
1659
W876

A Review and Examination of a Pamphlet lately published, Bearing the Title of *Protesters no Subverters, and Presbyterie no Papacy, &c.*

THough it be a sad affliction to the spirits of men, who love and thirst after Peace, to be kept in a continuall fire of Contention; yet we do not think it strange that desires and endeavours to quench that flame, which hath been so long burning in this Church, meet with no better entertainment from these *Witnesses to the Way of the Protestation*, Authors of this Pamphlet: Who, being (as we have just cause to believe) some of the prime contrivers and promoters of these evils regrated and complained of, they do well not to trouble the rest (many of whom we believe, would not have joyned in this Answer) to give any expression of their sense of the Overtures of Union made to them, nor put them *to spend their spirits and time* that way: But (this being their own more kindly element) they will be at the pains to put this Piece in their hands, printed in such a volumn as it may be a *Vade mecum* where-ever they go: That so honest-minded Ministers and People (who, we perswade our selves, are weary of debates, and might be drawn to an Union, were it not for such who for their own ends keep up the Rent) may, in so far as they can prevail, not only be induced never to think of Peace more upon the tearms offered, as they expresse their design in the close of their *Postscript*; but may be affrighted (as they are pleased to speak of us, *pag.* 15.) from their Mother-Church and Brethren as Monsters, as a company of *Arians* dealing with an *Athanasius*, and as Tyrants, Popes, and Prelats, whom our

fathers oppoſed; and may drink-in theſe corrupt principles of Church-government here propined: whereby every man is taught to do what is right in his own eyes; to call any thing of Church-government which croſſeth his humour, but alterable and humane; and when he pleaſeth to think his Judge doth him wrong, if he cannot thruſt him out and ſet himſelf in his ſeat, then to ſleight and contemn him; yea, and to make every ordinary Miniſter an Apoſtle, who had not their call by men, and ſo were not ſubject to them in that matter.

As the ſight of this Pamphlet hath quickned our deſire, yet more and more to mourn over the ſad and deplorable caſe of this poor Church (ſo long afflicted with theſe diſtempers and confuſions, without hope of healing, and ſo grievouſly reproached and expoſed as a laughing-ſtock to her enemies, and a grief to her friends) and to ſpread it before the Lord who knoweth her affliction and reproach: So we deſire theſe men may ſeriouſly lay to heart the accompt they have to make for their continuing thus to diſquiet and toſſe the Church and People of God in this Land, and to ponder how truly the Spirit of God hath given warning that diviſions will breed errours, whereof they give ſad proof in this Piece, as to the point of Government. And whereas they deſign themſelves *Witneſſes to the way of the Proteſtation*; we wiſh them to conſider, that as to bear witneſſe to an untruth or wrong cauſe is an horrid ſin; ſo, however they arrogate that ſtile of *Witneſſes*, yet their conſciences can tell them, they give their teſtimony without any great hazard, having verified that they are rather ſeeking their own things, than the things of Jeſus Chriſt. However, let them for us brook their title of *Witneſſes*, and let the Reader adde ſuch epithets thereunto as he thinketh they deſerve.

If we ſhould draw out a Reply proportionable to their practice, who have publiſhed ſo many ſheets in anſwer to little more than one ſheet, it might certainly be ſaid, we had very little to do beſide; Sure we are it ſhould be very little to edification. And though we might have ſatisfied our ſelves with ſome Animadverſions only upon their new principles, leaving other matters, which either are ſpoken to already in print, or are matters of fact, which (however they buſk them) are ſeen in their own colours by them who know us both, and impartially obſerve us: Yet conſidering their great trade

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hath been to make more use of stories and reproches than arguments, and that those may be more taking with the simple and unadvised than stronger reasons; and withall that we are bound to say somewhat in defence of the Overtures of Union, which they endeavour to render so odious: Therefore we shall, with all the brevity we can, take a view of this whole Pamphlet, hoping that in matters of fact, which cannot be got proven to the world in print, our assertion deserveth no lesse credit in name of this poor Church, than theirs, whose interest it is to defame her, lest otherwise they incur the title of Schismaticks and Disturbers: We being alwayes ready to make out before the Judge competent, the truth of our assertions. Yet it is not to be expected that we should dwell on every thing they start here, nor jangle on every thing in the by: but only that we take notice of what is most materiall. And therefore in the very entry, we shall leave sober men to their own thoughts of the insolent and vain Title of that Pamphlet, so injuriously reflecting upon this Church and the Government established therein. Nor shall we descant much upon the designation of the *Resolutioners*, *and Resolution-party*, which they are pleased to confer upon us; yea, and upon this Nationall Church in the generality of her Judicatories: Seing (to omit the injustice of branding us with the name of a Party) if they will adde the Epithet of *Publick* (which they deny us not either) to our *Resolutions*, they will sound better in any indifferent ear, than any *privat designs* of men, destructive to the publick, and tending to advance their own particular interest; And we could easily repay them with designations as true, and more unsavoury to them, were it our work to be so imployed. And though they are pleased to call these Resolutions, *Rotten Resolutions*, *pag.* 85. Yet we doubt not but they will be fragrant in the Churches of Christ, as a Truth of God, when they shall be dead and rotten, and their opposition thereunto unsavoury. We shall as little trouble our selves with what is said of the *Representation*, seing we believe themselves do judge it is *more easily traduced than solidly answered*; And as to what they are pleased to speak of our Reverend Brother whom they call our *Agent*, *pag.* 15, 16. As that *Representation* containeth nothing unworthy to be owned by him, or whereof he needeth or will be ashamed; So, the innocency of his agency to prevent the evils they were endeavouring to bring upon this Church, and his carriage

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and integrity in managing that Truſt, are ſo well known at home and abroad, that we believe he needs not write Apologeticks againſt the ſlanders of their tongue or pen, which they have either in this Piece, or upon other occaſions, moſt unjuſtly caſt upon him. They are pleaſed to let out reflections tart enough upon perſons, both dead and alive; to which we ſhall only ſay, That ſuch reaſonings of theirs are no dainties to us, *to refute mens Arguments and overcome them in their cauſe by branding their perſons*; and that as we think the graves of the dead, who are gone out of the world without publick ſcandall, ought to be inviolable; So if thoſe who are alive be not ſtudying ſo much the more to approve themſelves to God, *ſure they make a bad uſe of that ſcourge of their tongue, wherewith they have been ſo much and ſo often ſmitten theſe diverſe years bygone.* And whereas they are afraid we ſhould forget we have ſome among us who were Prelaticall, and therefore do ſo often tell us of it: and do tell us alſo, (which indeed we never knew before, and having ſearched this teſtimony they would have us credite, we find it an untruth, diſowned by him upon whom they father it) *That ſome of us of late did profeſſe our reſpect to the Congregationall way, and our diſlike of the ſubordination of Kirk-Judicatories*, pag. 10. We with them to conſider that this reflection, of being Prelaticall (as they tearm it) doth not reach ſome of us only, but others of the worthies of Chriſt elſewhere, who did not at firſt ſee the evil of that way. And as we deſire they may not forget, that the moſt part of thoſe who were honoured by Chriſt to be moſt eminently oppoſite to that courſe, yet alive (as it hath pleaſed the Lord in great and remarkable mercy to preſerve them in His Church to this day) ſome two or three, at moſt, only excepted, are alſo oppoſite to the way of theſe *Witneſſes*: So alſo that they do not charge that too hardly upon any of us, which they know may be retorted upon ſome of themſelves. And we are confident, that who ſo know their way, and their confidents and boſome friends, of whom chiefly they have been making uſe in promoting their cauſe, will eaſily diſcern who run neereſt to Independency. Papiſts were wont to be thought no fit men to defend the Proteſtant Religion; and it may be thought they are none of the fixedeſt Preſbyterians, whoſe (not only perſons, but) projects in reference to that Government are owned as their own cauſe, by men whoſe

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principles are known (even the *Witnesses* themselves being judges) to be opposit to that Government, and that even when real Presbyterians, unconcerned in us or our differences (save in so far as they are friends to Truth, and to us for the Truths sake) do disown, yea, and act against their way.

But passing these, and many the like passages, We shall take notice of their Book as it is an Answer to the Declaration, wherein three things will be worthy our pains to enquire after. 1. How they have acquit themselves in Answer to that Charge of their small respect to the established Church-government, and their encroachments thereupon? 2. What entertainment they give to the Overtures of Union? 3. What their Doctrine concerning Subordination is? which they do twice speak to, But we shall speak to all in one place.

Before we can enter particularly on these, Two Exceptions against the Title and whole tenour of the Declaration must first be removed out of the way:

First, Their sense of the whole scope and tenour of the Declaration, is, That however we pretend to Union and Peace in it, yet for the matter of it, it looketh like no such thing, but is an heap of bitter invectives and reproaches, and that (like rude painting) without the words in the Frontispiece it would never have been owned for any such thing. This charge they set-off, both with Scripture and a poetick vein, *pag.* 4, 5. And again, *pag.* 74. they quarrel our raking into the bowels of by-gone actings, while we make an offer of peace, &c.

This challenge, we take it, doth relate to the Narrative of the Declaration, premitted to the Offers of an Union, wherein some account is given of their former irregular actings and projects. And we shall not insist to regrate how much the Scriptures are wrested or misapplyed throughout this Piece, and how unsuitable, in our judgment, it is to let loose a poetick humour upon so sad a subject, which calleth for our mourning rather than our mirth; as they have of late begun the taking up of that way in their Pasquils put in peoples hands. But as to the matter it self, had we to do only with these *Witnesses*, we could easily answer them, That whatever others unconcerned might judge of the suitableness or unsuitableness of that Narrative, in reference to the scope and purpose of the Declaration; yet,

yet, if that Narrative be true (of which we ſhall hear afterward what they ſay) and if they be the perſons chiefly guilty of carrying-on theſe courſes, it were more fitting they were laying them to heart, and teſtifying their abhorrence thereof, by joyning with their Brethren, than thus to carp and quarrel when their faults are laid open before them in love. And to ſpeak it ſeriouſly, though we are content to bury all thoſe, provided they would hearken to an Union in the Lord: yet we are confident the Lord is ill pleaſed with their way therein, and requireth they ſhould repent and mourn more for the wounds they have given their Mother, than their practice hitherto declareth them to have done. But to expreſſe our ſelves further, for the ſatisfaction of all; we do ingenuouſly profeſſe, that, ſo far as we know the mind of thoſe who emitted that Declaration, their ſcope in that Narrative was no other than what is expreſſed in the cloſe thereof. *pag.* 8. Namely, that it flowed not from any deſign either to defame or irritate, or to charge theſe deſtructive courſes upon all of them: But they conceived (and we do ſtill conceive) that Narrative was neceſſary in that way of application to them; Not only to vindicate themſelves before the world and all good men, that they contended not about trifles in their oppoſition to theſe encroachments; nor yet only to prove their love to peace, in that they would follow, and were willing to agree with thoſe who had ſo far injured the Church and them: But that even in order to Union, they held it their duty to inform thoſe with whom they were dealing, what the tendency of their courſes was, (which poſſibly many who went on in the ſimplicity of their hearts, and joyned with them in ſome things, could not diſcern; never ſuſpecting that their Leaders would ſo far wrong the Government they pretended ſo much to maintain: and the prime Actors, being carried-on in the heat of their paſſion and contradiction, were not in a frame ſeriouſly to conſider of the matter) that ſo they might chooſe rather to cloſe with us, than to continue in that poſture, which could not but inevitably draw them to many the like courſes, ſtill the longer the worſe. And however the matter of Union ſucceeded, (wherein their acquaintance with the humours of ſuch as theſe *Witneſſes* made their fears far exceed their hopes, which the event ſince hath ſadly confirmed) yet they thought it neceſſary to have this on record as their Teſtimony in behalf of the Church of *Scotland*, againſt theſe

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uſurpations and encroachments, and an exoneration of their conſciences in diſcharging their duty to their Brethren, if ſo be they will ſtill run-on in courſes which draw-on ſo ſad conſequences, rather than joyn in the work of the Lord. As theſe things may ſufficiently vindicate the Authors of the Declaration in this particular; ſo we do not think this needed have hindred peace, had theſe *Witneſſes* been very earneſt for it. For though it was then complained how they had defamed their Mother-Church and Brethren, and now we are ſure they owe us nothing of this coyn in this Pamphlet; yet we ſincerely profeſſe we are ſo far from being irritated, (however grieved) that for our part, we thirſt the more for an Union in the Lord, as perceiving there will be no end of fruitleſſe jangling, while we continue at this work; and are content that, upon an Union, there be the faireſt way can be deviſed for burying all theſe things in oblivion.

Secondly, They have another quarrel at the Title of the Declaration: for, whereas it is called *A Declaration of the Brethren who are for the eſtabliſhed Government and Judicatories of this Kirk*, they challenge this upon a twofold account.

1. That the Authors thereof ſhould claim to ſuch a title, even in reference to thoſe of their own judgment, it being but the deed of a *Junćto* acting in an extrajudicial capacity, and not proceeding from any Church-authority; That many of our Brethren were not privie to it, nor are ſatisfied with it, and that it hath not been owned (as they were made to expect) by Church-judicatories, nor tendered to the Proteſters by them; But that Synods being put to it by them, did refuſe to declare themſelves whether they would owne it or not, till the other Brethren ſhould firſt declare themſelves ſatisfied therewith. This is their language, *pag.* 7, 8. But afterward finding it was owned by Judicatories, they adde a *Poſtſcript*, pag. 119, 120. wherein they quarrel, partly, the wronging of the liberty of Presbyteries and Synods, that ſuch a Paper ſhould firſt be publiſhed by private perſons, and then endeavours uſed to engage the Judicatories in the approbation thereof: and partly, the different wayes of Presbyteries in order to that Paper; ſome not having as yet owned or tendered it, ſome approving but a part of it, others all of it; ſome taking Inſtruments in the hands of civil Notaries of their tendering thereof to their Proteſting Brethren; and ſome, upon

the Proteſtees refuſing to condemn the practices and propoſals mentioned in that Declaration, as contrary and deſtructive to the Government, having declared them to be ſuch as diſſent from the Government it ſelf.

To all this we give this return, 1. We need not trouble the world, far leſſe do we owe theſe *Witneſſes* (in the poſture they now are) an account how or by whom that Declaration was contrived. As they pretend themſelves not altogether ſtrangers to the mind of their Brethren in theſe matters, *pag.* 4. So the publiſhers of that Declaration can give a good account of the ſenſe of their Brethren throughout the Land, which gave a riſe to that buſineſs: yea, themſelves might have ſpared this challenge, had they remembered the Conference for Union, *Anno* 1655. As we ſuppoſe they did not think they were treating with a *Junćto* then, to make peace with them only, but did expect an Union in all the Judicatories of this Church, had they agreed; and yet themſelves did treat but in an extrajudicial capacity, and thoſe with whom they treated were but ſome very few in compariſon of thoſe who are oppoſit to them, and acted alſo in an extrajudicial capacity, though they knew the mind of their Brethren through the Country: So they may remember that the Declaration containeth little or nothing, for matter and ſubſtance, but what was treated on there. Their Propoſals for extrajudicial Committees were rejected there, though indeed they had not then gone the length to ſeek to have them impoſed on this Church. They will not complain that the Overtures for Union, mentioned in the Declaration, were not heard of there; ſince they tell us afterward that more was then offered, *pag.* 75. And for their irregular actings, they were not omitted in the Remedies for bygones, and Cautions for preventing the like in time to come. And as to the ſlanders they caſt upon this Church, and the matter of the Order concerning Intrants to the Miniſtery, we hope they do not believe it is a *Junćto* only, that are diſſatisfied therewith. From all which it doth appear, that what was ſpoken to in that Declaration had been looked on formerly by themſelves, as the judgment of thoſe who were oppoſit to them, and yet they muſt enquire whoſe it is, and who do own it. 2. As to the after-approbation of the Declaration by the Judicatories, we ſhall not inſiſt to tell them, how ill it reliſheth to hear them condemn the publiſhing of extra-

extrajudiciall Papers, or want of regard to the liberty of Judicatories, whose practice it hath been those years by-gone to trample on Judicatories, and to obtrude their extrajudiciall Papers upon them. We do only remark, that they are very industrious to find quarrels; for, in the beginning of the Pamphlet, they leave it as an imputation, that that Paper was not owned by Church-judicatories, and when they find it otherwise, they start a new quarrell. But to the thing it self, As upon the one hand, it hath been the constant practice to deal in these matters of Union in an extrajudiciall way; and so the publishing of that Declaration in that same way cannot be quarrelled: So, if Judicatories have voluntarily (without the encroaching of any upon their liberty to engage them) judged it necessary to approve it for the matter, that so it might be more effectuall for promoving an Union, we see not what wrong is done to Judicatories thereby; Nor do we see any contradiction betwixt these two, that materially it was their judgement before, (though it had not been the ordinary way to publish matters of that kind first by the Judicatories, seing we wanted a Generall Assembly, and no other Judicatory could declare for all the Church) and that since they have formally owned it to prevent all cavillations against it, such as now those *Witnesses* urge to render it uneffectuall, as being but a privat Paper. 3. It being now (as we are informed) generally owned by the Judicatories, and that before we had any knowledge of this their Answer's coming to the Presse, (say what they will to the contrary) it is not very much to edification that we should search throughout the Countrey for an Answer to what they alleage of some Synods entertaining their motions concerning the Declaration, or of matters of fact about the way of owning it, especially when their generall discourse leaves us to our conjectures, what Judicatories in particular they would reflect upon. This we will confidently maintain, That some Presbyteries not owning of the Declaration judicially as yet, is no argument that they will not owne it, or (suppose they do not owne it judicially, nor tender it to their Brethren, who are more peaceable than elsewhere, and free from any accession to these disorders complained of) that they do not approve of it; That though other Presbyteries did only owne the Overtures of Union at first, (waving the Narrative) if so be they might bring up their Dissenting Brethren to accept thereof, yet this may well prove their peaceable

temper; but not their disallowing of the Narrative, as their after approbation thereof hath made manifest; And that what ever they say of the dissatisfaction of some of our judgement with it, or some parts of it, (which though it be not proven, yet we willingly grant it can never be expected that any should own all the particular expressions in a concluded Paper which they cannot alter, nor is it necessary they should do so) yet there are none of our Brethren but they owne the matter, and do concur in condemning their Declinatours, irregular practices, proposals, and what else is condemned therein, and in approving the Overtures of Union. Nor do we see any cause why they should quarrell, that Brethren appointed to tender the Declaration to such of them as do not meet in Presbytery with their Brethren, should return an authentick testimony of their diligence to them who sent them; seing that is not unusuall in diverse cases without any imputation upon men. And for what they say, some declared of their dissent from the Government; though we can speak nothing as to the truth of the thing, nor do we know from what particular Presbyteries to seek information; and we know some Presbyteries challenged by them upon this account, have vindicated themselves that they never meant to charge upon them, that intentionally they did dissent from it; yet they will not soon satisfie and silence all who have that opinion, that their principles and actings tend that way.

2. Another quarrell they have against the Title, is, that hereby the Authors of the Declaration do exclude them as not being for the Government: for, so they complain of the Title and other passages in the Declaration, *pag*, 11, 12. To which this answer in the generall may suffice, That it is a truth, we are for the settled Government and Judicatories of this Church; it is also true, they have dissented from us in the matter of that Government, not only in quarrelling and endeavouring to overturn the constitution of two successive supream Judicatories of this Church; but (as we will hear more fully afterward) in projecting and endeavouring to lay aside the ordinary way of exercising that Government, by the Judicatories instituted by Christ, and yet continued with us, and to act in a new and extrajudiciall way. And therefore, though we will not judge of ther intentions, and the Authors of the Declaration never minded that designation, as exclusive of them: yet, we

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fear not to assert, that these actings and proposals of theirs, are (upon the matter, and as to the nature and tendencie of the work, which is all they can fasten upon the passages of the Declaration cited by them) contrary and destructive to the Government, and consequently had need to be the better looked to by them, who would clear themselves of any such imputation.

This (in the particular prosecution of it) leadeth us to the first head propounded; And seing they spend much of this Pamphlet in vindicating themselves in this particular, we will therefore examine how they acquit themselves, leaving their defence about the matter of Subordination till the close of all, as was said before.

In the generall, they clear themselves of this charge, partly, by a solemn profession, that their fear of our ruining the Government, and other Ordinances of God, and the work of Reformation, and their desire to edifie His Body, made them differ from us, and act these things which we call irregular, disorderly, and destructive: Partly, by appealing to their actings, in professing, preaching, printing for this Government and no other, in owning themselves as members, obeying just Sentences, &c. and partly by solemn taking God to record in this matter. So *pag.* 12, 13, 14, 15, 16. To this generall we answer, 1. Whatever they retain of respect to that Government, yet this Piece will abundantly clear that they will never owne it in any hands but their own; They will not submit to Judicatories, nor allow of a General Assembly, so long as the plurality is opposit to them, as we will after hear. And as their actings are not only really destructive to the Government as it is now established and exercised in this Church, (which way of expressing our grievance we know not why they carp at, *pag.* 18. seing *their acknowledging themselves members of Presbyteries and Synods, &c. pag.* 13. seemeth to us to import an approbation of the exercise thereof in our Judicatories, as an Ordinance of Christ) but inconsistent with the exercise of Presbyterial Government in any reformed Church, no lesse than in this: So we fear that those tentations they alleage to have been cast in their way, *pag.* 16. (though we deny that ever any just provocation hath been given) have prevailed more to hide the tendendencie of their way from some of them than they are aware, being but too well known to be impatient of any contradiction. 2. As to what they alleage of their fears of us;

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This is not the proper place to diſcuſſe the other particulars concerning our ruining the Ordinances of God and work of Reformation. And whatever they alleage of this, Yet no deſire of theirs to edifie the body of Chriſt, nor any wrong ſuppoſed to be done by us, can warrant them to do a reall wrong to the Government, and ſo ſin againſt God, who needs not their ſinfull courſes either to promove any of His holy ends, or to prevent hurt from the ſin of others. But as to the matter of the Government (which is the queſtion in hand) and their fears of us; As we are confident they will get no Compurgators in this cauſe among un-byaſſed men, friends to this Government: So, we hope impartiall obſervers will here take notice of their ſpirit and way (whereby they may know them the better in other things) who dare aſſert to the world, That they overturn Judicatories, act in matters eccleſiaſticall contrary to the eſtabliſhed order, and out of the road-way, as themſelves afterward confeſſe; do drive deſignes to have the exerciſe of the Government turned out of the right channel, in the moſt materiall things intruſted to the Judicatories by Chriſt, and do make and keep up a rent in this Church: And all this they do (if we believe them) leſt we ſhould ruine the Government, who in all things obſerve the order conſtantly practiſed in this Church ſince the late Reformation. Men would rather ſay, that theſe actings ſpeak that they will really ruin it upon a fear that we may ruin it (take the matter in their own ſenſe) but in effect they do ſo, when we are endeavouring to maintain it. 3. As to their ſolemn taking God to record in this matter, we ſhall not meddle with it, nor with their ſincerity in it, as not belonging to our cognition; nor are we bound to take never ſo ſolemn profeſſions for current payment (which will amount to no more than this, that they ſeriouſly believe their way is not contrary to that Government which they believe to be of God) ſo long as we find mens actings, whereby we may judge of their reſpect or diſreſpect to the Government ſo far as is incumbent to us, whatever their own inward real thoughts be. And here we muſt tell them, that all they alleage (of their profeſſing, preaching and printing for it, of meeting in Presbyteries and Synods, as members, and of the obedience they profeſſe to yeeld) will never ſpeak out their reſpect to it, while they have not ſpared to break the Judicatories of the Church, in a time of ſo many errours, and when her unity was ſo neceſſary, and ſo

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have exposed her as a prey; and while they have not only publickly traduced this Church in her Members and Judicatories, to the saddening of friends, and triumphing of enemies; but they themselves will do nothing, nor suffer any thing, but what they are pleased to accompt right and just, let the Judicatories conclude never so often, and have never so much to say for the justice of their proceedings. These are practices which we know not if their coming to the Judicatories, and observing what they like of their proceedings, will set off as consistent with respect to the Government.

But these *Witnesses* proceed more particularly to vindicate themselves, by answering to these things which are laid to their charge as evidences of their wronging the Government. These they profesſe (*pag. 66.*) to have insisted on, for clearing of themselves and taking away of that rock of offence upon which we have stumbled. And we do heartily wish they were able to do it convincingly; for, it would be most refreshfull to all of us to find all the Members of this Church friends indeed (and not in name only) to the Government of the Church. But we are sorry to find, that in stead of rooting out old jealousies, they have started new principles which do confirm them, and beget more fears.

And here, in the entry of this debate, we do once for all intreat the judicious Reader to consider how these men, who pretend so fair to adhere to Order and Government, and to walk after the pattern of our pious progenitors, do in effect but trace the steps of the *Remonstrants* or *Arminians* in the Low-Countries, For who so will be pleased to peruse the Acts of the Synod of *Dort*, with the Preface thereunto prefixed, (*Edit. in folio*) will find that (not only in their Protestations, the tenour and reasons whereof do homologate that Protestation of the *Arminians* against the Synod of *Dort*; but) in the most of their projects and practices here defended, they have so exactly paralleled them, as if they had set them before them as their copie. Their tumultuous and disorderly way of planting Congregations (of which we will hear more afterward) was the very practice of these Remonstrants, who made it a great part of their work to obtrude upon vacant Churches, Ministers addicted to their opinion, excluding (where-ever they could) all others, though never so well qualified, and orderly called and desired by the Churches, In which they did not only misregard the inclinations

clinations of the people (who by that means were put to hard ſhifts) and deſpiſe the judgment of Claſſes and Synods, but made uſe of force and power, *Præfat. pag.* 20, 21. *ad annum* 1611. Neither wanted they a pretence for theſe and the like irregularities, contrary to the eſtabliſhed Order, taken from the diſtempered ſtate of the Church; whereof it was then told them, themſelves had been indeed the cauſe, and their pretending thereof was in effect a gloriation that they had ſo far diſordered all matters, that they could not be remedied, *Act. Synod. pag.* 87, 88. This is alſo pretended here, *pag.* 32, 33. and doth deſerve the ſame anſwer. That Order procured by ſome of our Brethren (to which ſomewhat is here alſo ſpoken) wanted not its own pattern among the Remonſtrants, who (that they might encreaſe their own party, and ſeclude others from the Miniſtrie) procured that the election of Miniſters ſhould be (not according to the Order eſtabliſhed in that Church before, but) by four of the Magiſtrates (who, for the moſt part, then in *Holland* were addicted to them) and other four to be deputed by the Preſbyterie, *Præfat. pag.* 26. *ad annum* 1614. As they with us have made themſelves a diſtinct body, and keep their own meetings under the name of the *Godly Party*; So alſo did the Remonſtrants ſet up their meeting apart from the reſt of their Brethren, for carrying-on their own ends, *Præf. pag.* 15. As theſe Remonſtrants by bitter invectives in Pulpits and infamous Libels in writ and print, did revile the Proteſtant Doctrine and Teachers, to render them odious, and draw people into their faction, *Præf. pag.* 14, 20, 21. and frequently: So, this Church hath met with the ſame meaſure from ſuch as theſe *Witneſſes*, as is notour to the world, and abundantly clear from this very Pamphlet. We have here a great debate for Committees of equal numbers of both judgments, to be choſen by the reſpective parties: And in this alſo the Remonſtrants have led the way to them, who being but a few number in that Church, to make themſelves ſtrong and equall with the Orthodox, did urge it as the firſt of thoſe conditions, upon the granting whereof they would joyn in a Synod, that the Synod ſhould conſiſt of Commiſſioners of equal numbers of both parties, each to be choſen by their own party, *Act. Synod. pag.* 65, 66. As now it is urged that men ought not to ſubmit to Sentences of lawfull Judicatories which they count unlawfull, and accordingly men who are cenſured do ſtill con-

tinue in the exercise of their Ministery, pretending that the Sentences are unjust: So also the Remonstrants maintained they could not submit to any Sentence, save in so far as they were convinced in conscience of the equity and justice thereof; and when they were censured, they did counteract and go on in the exercise of their Ministrie. *Act. Synod. pag. 66.* and *Præf. pag.* 20. And when it was laid to their charge, that by Non-submission they did violate their engagement at their entry to the Ministry, they used the same shifts (for most part) which are now cast in our teeth, *Act. Synod. pag.* 87, *&c.* These and many the like passages recorded in that Preface, and rejected and refuted in the Synod, may shew that it is not without cause we are suspicious of their wayes, whom we find to walk in these paths, which had well nigh ruined that Church. And who so desireth further satisfaction in this matter, we intreat that (beside the Preface) they will ponder the Remonstrants *Conditiones habendæ Synodi*, with the Answer of the Synod of *Delph* thereunto, and the judgement of the forreign Divines upon their Declinatour, especially of those of *Geneva*; All which are recorded in the Acts of that Synod. But we come to the particulars.

I. They vindicate their Protestations against the two last Assemblies, as not being destructive to the Government, because they profesſe the contrary in these very Protestations; and these Protestations were only made against undue qualifications of, and prelimitations made by, persons assuming the exercise of Government, which the duty they owe to the Government and preservation thereof, constrained them to testifie against, after the example of our fathers of old. And they think it strange that the Authors of the Declaration should wrap up the authority of those two Assemblies, and of that part of the ministeriall Church which is of their judgement, in the very being of the Government, as if the Government could not be owned nor subsist, the authority of these meetings being denied, and the corruptions of men discovered and acknowledged. So *pag.* 17, 18.

Answ. This would have been judged strange doctrine in the Generall Assembly, 1638. where it is put in the Sentences of severall of the Prelates, that declining and protesting against the Assembly is censurable with summar Excommunication; and yet these Prelates did pretend reasons of their deed no lesse valid (themselves being

Judges) than they think their own to be in their judgement. Yea, we are not forgetfull how it was aſſerted alſo before our differences, by a leading man of that party, acquainted with the Acts of this Church, That proteſting againſt an Act of a Generall Aſſembly, or of Delegats having their power, did deſerve the ſame cenſure. But as to theſe their Proteſtations, ſeing they do here not only endeavour to vindicate themſelves, as doing no wrong to the Government thereby, but all along lay the corrupt conſtitution of theſe Aſſemblies as a crime, to our charge, and do pretend it as a warrant for their irregular actings, and a great obſtruction to unity: (as may be ſeen throughout the Pamphlet) We muſt once for all put them in minde, that this matter hath been ſpoken to already, the nullity of their proceeding in theſe Proteſtations diſcovered, their exceptions againſt theſe Aſſemblies (again repeated in this Pamphlet) anſwered, and the practice of our fore-fathers cleared and vindicated, partly in the *Obſervations* upon our differences, and partly, in the late *Repreſentation*, which are unanſwered to this day. And therefore it doth concern them to ſatisfie unbyaſſed men with more ſolid arguments than naked aſſertions, eſpecially in a matter of ſuch importance, againſt which ſo much hath been argued, and upon which they lay ſo much weight, and which, if it prove to be wrong, they muſt undoubtedly conclude themſelves among the moſt turbulent men that have lived in a true reformed Church. In the mean time, till they bethink themſelves of this, we muſt tell them, 1. Their fair Profeſſions in their Proteſtations will not blind the eyes of diſcerning men, to make them believe that they did not wrong the Government thereby, but had a care of the preſervation thereof. Experience teacheth, that worſt of courſes do uſually lay claim to faireſt of pretences, and that Innovators do ordinarily intend the quite contrary to what they pretend; though we ſhall be far from judging ſo of many who followed that courſe in the ſimplicity of their heart. 2. As to their quarrelling, that we wrap the Authority of theſe Meetings and the plurality of other Judicatories (which is the miniſteriall Church of our judgement, as themſelves confeſſe all along) in the very being of the Government: Though we confeſſe Presbyteriall Government is an Ordinance of Chriſt, and might be owned and ſubſiſt, albeit there were not a Church in *Scotland*; Yet we are ſure, it is not mens reſpect to the abſtract notion of Church-government, or to the exerciſe

ercise thereof in *Utopia*, that will prove them friends to it, while in the mean time they oppose it as it is exercised in the Reformed Churches. And therefore, as we are far from judging the discovering of mens corruptions to be destructive to the Government, (provided the matter be orderly pursued, and judicially made out, not alleaged only) So we do constantly maintain, that their rejecting of the Judicatories of this Church, as not worthy of their trust, upon the account of the corruption of the plurality thereof, doth in effect overturn the Government in this Church, and striketh against it in all Reformed Churches also, there being (through the mercie of God) generally as fit Officers among us as else where. And, as to their Protestations, we fear not to assert, that thereby they have given the saddest blow to the Government of this Church, of any it hath met with since the Prelats were removed: For hereby they have opened a door to all confusion; And as they have striken at the being of two Assemblies, So their Reasons (if of any weight) will conclude as strongly against others before these: and their example may teach others (as well as themselves) to decline all Church-judicatories so often as they please. 3. We wonder how they can alleage prelimitations of these Assemblies as a proof of their nullity, (suppose the charge were true, as it hath elsewhere been proven to be a calumnie) when yet they will admit of no Assembly as lawfull, without prelimitations enow, yea, where we are the plurality, as they expresse themselves, *pag. 91, 93.* and elsewhere. This is indeed to give out with one measure, and take-in with another.

II. As to the charge of their planting Congregations in a disorderly way, and counteracting to the determination of Judicatories, in that matter, They do upon the matter confesse the thing (and indeed the world knoweth they have acted *in a tumultuous and disorderly way*, which themselves acknowledge to be *a fault great enough* pag. 19.) only they strive to mollifie it diverse wayes.

First, by giving an account of the causes moving them so to do, which are at length deduced, *pag.* 19, 20, 21, 22. Namely, That by the Publick Resolutions, and the Constitution and Acts of the late Assemblies, malignant men have got up their head in Congregations and Presbyteries, to bring-in others like themselves, and hold-out able and godly men. All which they think might perswade them to a preterition of some things otherwise fit to be observed in the course of formality and order.

Anſw. 1. This is indeed a very notable teſtimony they give their Mother-church in the day of her reproach from adverſaries, that (except where they are pleaſed to give charity, and that is where themſelves bear ſway) we have no Church, either Judicatories or Congregations, wherein order is to be obſerved, but an heap of rubbiſh, wherein there may be good ſtones, but no ſtructure: ſo that they muſt take odd wayes of neglecting both Presbyteries and Congregations in planting of Churches. Impartiall obſervers will diſcern what good ſervice this is to the oppoſites of our Church and Government, and what a daſh is hereby given to all the Reformed Churches, among which this was accounted none of the worſt. 2. As to what they ſay of the conſtitution of the Aſſembly at St. *Andrews* and *Dundee*, That buſineſſe (as is ſaid) hath been already cleared in the *Obſervations* and *Repreſentation*, and that theſe who differed in judgement about thePublick Reſolutions, were neither cited to the Aſſembly (as here they alleage) but ſuch only as perſiſted to preach againſt theſe Reſolutions after conference, were referred to it, as was the cuſtome in like caſes. Nor were they excluded from being elected, ſeing ſome of them were choſen by Presbyteries where the plurality did differ in judgement from them, and they did both ſit and act in the Aſſembly, till they were pleaſed to decline it and go away. 3. Whereas they lay the weight of this charge of the corruption of the Church upon the Publick Reſolutions, and long ago in their *Nullity*, they profeſſe that their Proteſtation, and other the like actings, do ſtand or fall upon the juſtice or iniquity of theſe Reſolutions; and all-along in this Piece, it is their great argument, both to juſtifie their actings, and their not accepting the Overtures of Union. We cannot but again put them in mind, that naked aſſertions in this particular will not ſatisfie judicious men, ſeing if they cannot by Scripture and ſound Reaſon condemn theſe Reſolutions, they will not only be found in an errour, but to have rent a true Church in the proſecution and maintenance thereof: And, we believe, unbyaſſed men will judge it very unreaſonable, that they ſhould take liberty thus to ſtart new Quarrels and Debates, as they do in this Pamphlet, till firſt they make it appear they have Truth on their ſide in theſe Debates upon which they firſt began the Rent. They know that both in the *Obſervations*, and more fully in the *Repreſentation*, this Queſtion hath been debated with them.

And

And they would do well to ſatisfie the world with an Anſwer to theſe, before they draw ſuch concluſions, as that a Church muſt be thus overturned, becauſe theſe Reſolutions are owned by it. We are content that that Queſtion (*Whether in the caſe of an Invaſion, all the Subjects of a Nation may lawfully be imployed by the Magiſtrate, for the defence of the Publick, and their own private intereſts and concernments* ?) be taken into conſideration by all Reformed Churches, and are confident that they will abominate our Brethrens principles; who not only do reſolve the Queſtion negatively, but have bred ſo much confuſion, becauſe the Church did owne the affirmative as orthodox, though with much tenderneſſe and many cautions, and that after that the Nation had been already weakned, not only by former ſtroaks, but by the diviſive courſes of thoſe, ſome of whom are not yet wearied of that trade. What can be concluded from this opinion of our Brethren, but a condemnation of all the Proteſtants in *Europe*? who (not only in the caſe of Invaſion, but otherwiſe) do not ſcruple to joyn in the Armies of their ſupream Magiſtates and Confederates, even though they be Papiſts. But we ſhall not inſiſt to repeat what hath been ſpoken more largely on this ſubject: Only, till they make good their aſſertion in this, the moſt of their other aſſertions and practices, mentioned in this Pamphlet, will want a bottom to reſt upon, and can be looked upon no otherwiſe than as the furious actings of men, ruining a Church becauſe ſhe will not erre with them. 4. What they ſpeak of the *Mock-repentance* of thoſe men who were admitted by the *Publick Reſolutions*, may eaſily be anſwered, if we conſider, (1.) That ſeing by unanimous conſent, *Anno* 1648. the body of the People who had concurred in the matter of the Engagement, were *eccleſiaſticè* purged of that ſcandall, at a ſolemn Humiliation, a very few only were left to be the ſubject matter of that debate. (2.) If theſe men who were not taken-in with the firſt, might have been imployed for the defence of the Nation without the profeſſion of their repentance; yea, ſuppoſe they had been of another Religion (as we believe is made out in the *Repreſentation*) Then certainly the Queſtion about their Repentance is extrinſick to the lawfulneſſe or unlawfulneſſe of the Publick Reſolutions, though *de facto* it be an untruth, that theſe Reſolutions were approved before it was determined that ſuch as were to be admitted, and had not yet given

evidence

evidence of their repentance ſhould be required to do it. (3.) When theſe men were enjoyned by acts of Aſſembly before our differences to repent of their former courſes, under the hazard of Excommunication; why is it accounted a crime for them to obey, or for the Judicatories to receive them? (4.) When the far greateſt part of them were admitted to repentance, long before theſe Reſolutions came to be debated, yea, before the Aſſembly, 1650. why is the *odium* thereof caſt upon the Reſolutions, or upon the Commiſſioners of the Aſſembly, 1650, who did aſſert them, and the Aſſembly, 1651. who did approve and ratifie the Judgment of the Commiſſion? (5.) When ſome of the chief of thoſe who were admitted to give evidence of their repentance, about the time of the debate of the Reſolutions, were examined, tried and admitted by men of their own party and judgement, why do they lay it at our door as a mock-repentance? (6.) When the Rule concerning their admiſſion to repentance was found, why is the miſapplication thereof (if any there was) charged upon the makers of the Rule, or the approvers of the Reſolutions? and why is the wickedneſſe of ſome few deſperate perſons (which is all we believe they can inſtruct, if any thing at all) laid to the charge of all who gave evidences of repentance for theſe courſes, as proving them all to have mocked God, and that Church-order muſt be violate, rather than they have any hand in the election of a Miniſter? 5. As for what they ſay of the Acts of theſe Aſſemblies, debarring men of their judgement from the Miniſtrie, and from being members of Presbyteries and Synods; If thoſe Reſolutions be found juſt and orthodox, and thoſe Aſſemblies to have been lawfully conſtituted, (as we are confident to make-out both) they can have no juſt reaſon to carp at theſe Acts concerning thoſe, who (not content to be diſſatisfied, or to have ſufficiently exonered themſelves in that matter) do ſtill continue to oppugn the ſame in publick preaching. Yet we adde further, that here was no tentation to break order, ſeing, ſo far as we know, none of theſe Acts have been put in execution, and we are ſure they have acted irregularly in planting of Churches, where *ex certa ſcientia* we know that, out of love to peace, men of their judgement are admitted Eiders both in Presbyteries and Synods, and where no Intrants to the Miniſtrie are put to give obedience to any of theſe Acts. 6. Whereas they aſſert that, by reaſon of theſe

Reſolutions

Reſolutions and Acts, malignant men have got up the head in Preſbyteries and Congregations, to keep out godly men from the Miniſtrie, and to bring-in others like themſelves, who make ſad the hearts of the godly, &c. (1.) If they mean by malignant men in Presbyteries, thoſe who do owne the Publick Reſolutions, and the late Aſſemblies, and conſequently are oppoſit to them upon that account, and becauſe they will not hearken to any termes of Peace, unleſſe they get all their will in theſe particulars: We confeſſe they will find us all not aſhamed to own that courſe, which yet we will not grant to be malignant, but are ready to abide the triall, whether the characters of Malignants, held forth by this Church, be more applicable unto them than to us in theſe things, and in their and our late actings. But for any men who owne malignant courſes in our Judicatories, or are oppoſite to the work of Reformation, in Doctrine, Worſhip, or Government, or to true Holineſſe, we confeſſe we know them not; (except what ſuch as theſe *Witneſſes* may be guilty of) And if ſuch a charge be made-out againſt any, we are confident the Judicatories will ſatisfie the world, that they are not ſuch a corrupt crew as they are ſaid to be in this Pamphlet. (2) As for their power in Congregations, though we may be bold to challenge them upon the truth of the aſſertion, that theſe men bear any ſuch ſway in Congregations, at leaſt in any conſiderable number of them: Yet, (ſuppoſing it were ſo) we deſire they may condeſcend, if in any Congregation, any of theſe men have endeavoured to bring-in a Miniſter, who is not orthodox in his judgment, of competent abilities for the work of the Lord, and of a blamleſſe and godly converſation. Though poſſibly they, and others than they, be not deſirous to have a *Proteſter*, (at leaſt ſome of that ſtamp) if it were but upon the very account of what is owned in this Piece, that being once in, he would play Pope among them, and not ſubmit to his competent Judges, ſave in ſo far as he pleaſed to reckon their proceedings juſt, and ſo they ſhould have a poor life with him. However, this alſo is but a pretext only as to their violation of order; ſeing (though there were nothing to ſay againſt the thing it ſelf) they have acted irregularly where there was no ſuch ſhadow of a pretence, but have violently born down the members of a Congregation, the plurality (if not all) of whom have been ſtraight from the beginning of the late Reformation. With all, we never dream'd (till Mr. *Rutherfurd* ſtarted

ſtarted it in his Preface to his late *Survey*, wherein we are ſorry to find ſo much drop from his Pen to the prejudice of his Mother-Church, and (as we conceive) to the diſadvantage of the cauſe he maintaineth in his Book) That we and they had differed about the admiſſion of thoſe perſons to Church-communion upon their giving ſigns of repentance: But they ſtill yeelding that we might take them in to Church-fellowſhip and communion, did deny the conſequence, that therefore they might be admitted to Camp-fellowſhip; (how rationally they did ſo, let unbyaſſed men judge) Now, if theſe men be *eccleſiaſticè* purged from their ſcandals, and admitted to communicate in Ordinances; common ſenſe will dictate, that they cannot be denied the priviledge of Church-members, in making choice of thoſe who are to diſpenſe theſe Ordinances unto them. We find indeed that the Aſſembly, 1649. appointing theſe who had been upon the Engagement to be received to give evidences of their Repentance, did ordain alſo that ſome ranks of theſe ſhould not be admitted to be Elders in Judicatories, but according to an Act of the Aſſembly, 1647. But theſe *Witneſſes* do ſo ſpeak in generals, that we know not whether thoſe perſons they talk of, be ſuch as ought to be ſecluded by that Act, or whether they quarrell their actings as members of the Congregation only, or as Elders alſo. And we do the rather queſtion this, becauſe we find they do not ſtick to paſſe-by the plurality of Elderſhips where no ſuch exception can be taken. Beſide, that Act, 1647. (to which the other relateth) doth debar them from Eccleſiaſtical charge, only till the report of the evidence of their Repentance be made to the Synod and General Aſſembly, and their conſent obtained to their bearing charge, which we ſuppoſe was done in the Generall Aſſembly, 1651. where the Reſolutions and admitting of theſe perſons were, after grave examination, approven. And further, It is in that Act provided, that if any be already received into the Elderſhip of a particular Congregation, yet he ſhall (not be extruded, but) not admitted to be a member of Presbyterie, Synod, or General Aſſembly, without the approbation and conſent aforeſaid, which doth not ſeclude him from having hand in the election of a Miniſter in that particular Elderſhip. We grant alſo that the Aſſembly, 1649. in the Directory for election of Miniſters, do appoint that where the Congregation is diſaffected and malignant, the Presbyterie provide them with a Miniſter. But that

cannot

cannot be extended to any persons, who, being *Ecclesiastice* purged from their former miscarriages, do not of new involve themselves in any the like course. And however, it is the Presbyterie, and not Brethren of other Presbyteries, acting in an irregular way, who are intrusted in this matter. But the truth is, the scope and way of these *Witnesses*, and such as homologate their principles, is, under this and the like pretexts, to lay aside Presbyterie, Eldership, Congregation and all, if they be not of their mind, and upon the desire of never so few of their party, to obtrude a Minister upon the whole Congregation, that so they may encrease their faction. (3.) As for the character they give of Ministers admitted by us, whileas they cry-up those whom they admit irregularly, we repel it as a foul calumny, and do again repeat what hath formerly been asserted to the world, That we have admitted as many able and qualified men since our differences, as hath been done in any so much time since our late Reformation. And though we are really unwilling to rake into that which calleth us all to mourn; Yet our duty to defend Christs Order in His own House, necessitateth us to say, That if these *Witnesses* will remember what mark God hath put upon their irregular actings in the person of one, who (as we remember) was the first in this Kirk obtruded by them in a violent and disorderly way, on a Congregation, upon the account of piety, we think it may warn them to be sober in these assertions. For our part, we trust we have obtained mercie to love piety, and have much longed to see more fruits of it among those who make so much noise, among which we esteem this a special fruit, if men were more sober and orderly in their walk, and more sparing in talking of their piety, and crying-up of themselves. And thus, we have done with this first part of their Apologie, wherein we have insisted the longer now, that we may save our selves much labour when we shall so often meet with these things again in this Pamphlet.

Secondly, But left it might be objected, that no such faults of the Judicatories and Congregations did warrant them to sin and break Order: They mollifie their practice further, *pag.* 22. by telling us that what they do is a *sinlesse preterition of some things, otherwise fit to be observed in the course of formality and order; and that as they do nothing sinfull and evil of it self, so they do nothing from contempt or disrespect to the least point of order, and have kept*

Within the bounds warranted and allowed unto them of God. This general ſeemeth to us very ſtrange Divinity, that the intruding of a Miniſter againſt the conſent of the plurality of the Elderſhip and Congregation, to whom belongeth the giving of the Call, and without the concurrence or conſent of the Presbyterie, to which that Congregation is ſubordinate, to his Ordination, is but a ſinleſſe preterition of a formality, and no tranſgreſſion of the bounds warranted of God. And we cannot but look upon them as ſcorning us, when they ſay they break Order, but not out of contempt or diſreſpect to it. But afterward, *pag.* 34. we find them endeavouring to clear this matter further, where, in ſtead of ſaying any thing to the intereſt of the Congregation wronged by them, they take it for granted *that the man is lawfully called by the Congregation* whom the Presbyterie conſpireth to keep-out; Which indeed is unhandſomly to beg a great part of the Queſtion, beſide the unjuſt aſperſion caſt upon the Presbyterie. And as to the wrong done to the Presbyterie by others medling to ordain a Miniſter within their bounds, they are pleaſed to rectifie our judgements and conceptions, by telling us (in application of their diſtinction betwixt the *eſſentials and circumſtantials of Presbyterial Government*, premitted, *pag.* 33.) *that in the matter of Ordination, this is of ſcriptural divine inſtitution, that a Miniſter be ordained by a plurality of Presbyters, but that he be ordained by ſuch a number, officiating in ſuch a bounds, the Scripture hath not determined:* Whence they infer, that in caſe a Presbyterie conſpire to hold-out one who is lawfully called, and rightly qualified, it is no breach upon the being and eſſentials of the Government, if he receive his Ordination and Admiſſion from a neighbouring Presbyterie, eſpecially when the conſpiracy is general, and no remedy can be had by a ſuperiour Judicatorie.

Anſw. Not to inſiſt upon the falſhood of this Aſſertion, That there is a conſpiracie in any Presbyterie, far leſſe a general conſpiracie to hold-out a godly man, lawfully called and rightly qualified, becauſe he is not of our judgment (though it were no declining from truth in him to be ſo) We muſt ſay it, that whatever may be ſaid in defence of Ordination by Presbyters only, in a Church not conſtituted; Yet it is new and ſtrange Divinity to ſet up and maintain that practice in a Church conſtituted and ſetled in her Judicatories, and particularly in this Church, where the like aſſertion or practice was never

never heard of before ſince the Reformation of Religion, and that notwithſtanding all the tyrannical conſpiracies of the Prelats to hold out godly men from the Miniſtrie: But it would have been judged (as indeed it is) an utter ſubverting of Church-government as it hath been exerciſed (not only now, but) ever ſince we had Judicatories, that a Presbyterie, or Miniſters of divers Presbyteries (which indeed is the caſe, though in effect a Presbyterie are but ſo many Preſbyters to all thoſe who are not under their juriſdiction, or whoſe ſcandals fall not to be cognoſced by them, as to any Eccleſiaſticall power they can exerciſe over them) ſhould intrude themſelves within the bounds of another Presbyterie, and there do the work of that Presbyterie in a Congregation ſubordinate to them, without, yea, againſt their conſent: And that the ſuppoſed faults of Presbyteries ſhould be redreſſed by others who have no juriſdiction over them, and not by their reſpective ſuperiour Judicatories only. We find the Scripture giveth the power of *Ordination* to the *Preſbyterie*, 1 *Tim.* 4. 14. which is more than the *plurality of Presbyters only*. And Mr. *George Gilleſpie* in his Aſſertion of the Government of the Church of *Scotland*, part. 2. chap. 3. pag. 132. doth reject *Sutlivius* his gloſſe upon the word, who by the *Presbyterie* underſtandeth only the Miniſters of the Word, *Non juris vinculo, ſed utcunque collectos*, i.e. *gathered and conveened together, not by vertue of any legal bond or aſſociation, but, as it may be*, occaſionally and accidentally for ſuch a buſineſſe: Which is as like the way of our Brethren in this particular as one thing can be like another. To this may be added, that the ſecond Book of Diſcipline (to which they profeſſe to adhere, *pag.* 13.) doth reſtrict the exerciſe of the power of Presbyteries (then called *particular Elderſhips*) *to the bounds committed to their charge*, or where they govern: This, or the equivalent reſtriction, is four times repeated, *chap.* 7. *pag.* 80, 81. and thrice in that Act of Parliament, eſtabliſhing Presbyteriall Government, prefixed to the Books of Diſcipline, *pag.* 20. As for their diſtinction betwixt what is of Scripturall inſtitution, and what not; or, (as they have it, *pag.* 33.) of poſitive humane inſtitution, to be regulated by that great end of Edification, and altered accordingly: Mr. *Gilleſpie* in the foreſaid Treatiſe, *part.* 2. *chap.* 6 *pag.* 160, 161, 162, 163. hath abundantly cleared, that the determination of the ſeveral ſorts of Eccleſiaſticall Aſſemblies, are left to be particularly

determined by the Church, conform to the light of nature and general rules of Gods Word, and that these particular kinds of Assemblies, appointed by the Church according to the light and rules foresaid, do fall within the compasse of these things which are *Divino-Ecclesiastica*, mixed, though not meer divine Ordinances: Which also concludeth strongly for the bounding of these Assemblies to be of the same nature. For, the Word of God having appointed so many Pastors and Elders as can with conveniency ordinarily meet together, out of the Congregations in a convenient circuit, to make up a common Presbyterie, which hath power and authority to govern these Congregations, as is held out in the said Treatise, *part.* 2. *chap.* 3. *pag.* 146, 147. And the Church having now determined (according to these common rules) these several meetings to be common Presbyteries in their respective bounds; If we hold these meetings, so bounded to be only of positive humane institution, we desire to know wherein Presbyterial Government is an Ordinance of Christ, more than is in any reformed Church, where there are a plurality of Presbyters, but no Judicatories erected? It is true, the circuit of their jurisdiction hath been fixed by the Judicatories with an eye to that great end of Edification, *viz.* by having respect to the conveniency of their meeting for doing their work to edification, and accordingly, Assemblies have found it for edification to erect new Presbyteries for the better accommodation of Ministers and People; all which being done according to the light of nature and generall rules of the Word, they become, so constituted, divine Ordinances. But that they are so alterable in subserviency to edification (in these *Witnesses* sense and the way defended by them) as that when persons under the jurisdiction of a Presbyterie do judge that they act not to edification, they may turn their back upon them and all other established Judicatories, and betake themselves to any plurality of Presbyters, who will act these things which they judge to be to edification: And that other Ministers, who have no power over that Presbyterie, may come in upon their work and act authoritatively in, and over the Congregations committed to their charge; We believe it will be judged a paradox by all those who understand any thing of Church-government. And it needs not be thought strange that those Brethren do refuse submission to their own respective Judicatories, so long as they maintain that they may usurp upon the power committed

ted to others when they please. This assertion of the divine authority of Presbyteries, as they are bounded according to the light of nature and general rules of the Word, may be further confirmed from the testimonie of the Author of the *Course of Conformity*, who, *pag.* 129. maketh use of the same notion of mixed Ordinances, and doth so prosecute the same, *pag.* 135, 136, 137, &c. as doth demonstratively conclude that no Gospel-Ordinance, administrated by this or that man, in this or that place, no Prayer consisting of such and such petitions only and not others, no Sacrament administred in these individuall elements, and many the like particulars, are divine Ordinances, unlesse we allow these to be divine Ordinances, which are determined in the generall by the Word, and in their particular circumstances (not needfull, nor possible or convenient to be determined in the Word) by the light of nature and general rules of the Word. We may also appeal to the judgement of the Reverend Assembly of Divines, in their Answer to the Reasons of the Dissenting Brethren, *Edit. Edinb.* 1648. *pag.* 231. Where, though they professe not to plead an expresse institution, that such Synods must be necessarily thus and thus bounded, &c. (as neither Independents nor they can plead for the number and bounds of particular Congregations) *yet they do affirm, that Synods, thus bounded, are agreeable to, and warranted by the Word of God.* And again, *pag.* 237 they make the same parallel betwixt the bounding of Synods and Congregations, as being to be regulated by the generall rules of the Word, and particular circumstances of times, places and persons. But leaving these to be further pondered by them who shall read these Treatises themselves, We desire further, that all discerning Readers will take notice of these few (of many) absurdities which will be found to follow upon this principle, as it is asserted and put in practice by them. 1. Whereas it hath been the work of all friends to Presbyteriall Government, to prove that it bringeth not Congregations under any forreign jurisdiction (as Prelats subjected all to themselves and their Cathedrall Churches) seing all the Congregations within the bounds of a Presbyterie are ruled in common by their own Pastors and Elders assembled together; This doth indeed bring-in a forreign jurisdiction both upon Presbyteries and People, when a company of Presbyters (who are neither Synod nor General Assembly set over them by Christ, nay, nor any Ecclesiastical Court

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at all) ſhall take upon them to judge of the Call given by a People, of the qualifications of him who is to be their Miniſter, and of the Presbyteries carriage and judging in that matter, and ſo ſhall proceed to the ordination of the Miniſter. 2. By what divine warrant a plurality of Presbyters may act authoritatively in things belonging to a neighbouring Presbyterie, they may by the ſame warrant act in Presbyteries never ſo remote, at leaſt within the National Church; And by what warrant they may judge of the Call and Qualifications of a man for the Miniſtery, and accordingly ordain him Miniſter of a Congregation within the bounds of another Presbyterie, if they judge the Presbyterie conſpireth to hold him out, by the ſame warrant they may alſo depoſe a Miniſter, or Miniſters, in Presbyteries, if they judge their reſpective Presbyteries conſpire to hold them in: (for, we believe the power of Miniſters in both theſe, is of a like extent) and ſo a few Presbyters may plant all the vacant Congregations, and depoſe never ſo many Miniſters throughout a National Church in deſpight of all the ſtanding Judicatories, who are hereby made but ſo many ciphers to ſignifie nothing; Yea, by this principle, may not ſome number of Presbyters, perhaps erroneous and hereticall, plant all the Congregations in a Nationall Church, upon the Call of ſome few of their own mind; and yet violate nothing that is divine in Presbyteriall Government? 3. By this principle no man is bound to look upon a Presbyterie ruling the Congregations in ſuch a circuit, as a divine ſcripturall Ordinance, more than any company of Presbyters met together; Seing all wherein the one differeth from the other is but of humane inſtitution, as they ſay. 4. No perſon within the bounds of a Presbyterie ſhall be bound to owne their own Presbyterie, as an Ordinance of God, to which they ought to ſubmit and give an account of their actions: But they may as well betake themſelves to any other Presbyters nearer or further off; and if they ſatisfie them, they may reckon they have done enough for obeying any divine Ordinance in this matter. 5. May not people alſo within a Congregation, upon the ſame account, refuſe ſubmiſſion to their own Miniſter, and betake themſelves to any other? And may not Miniſters intrude upon the Congregations of their Brethren without the tranſgreſſion of any Ordinance of God, Seing the bounding of Congregations is of humane inſtitution, as well as that of Presbyteries, as the Aſſembly of Divines

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do urge againſt Independents, in the paſſages before cited, and of which we may reade a witty diſcourſe of Mr. *Samuel Hieron* in the *Pulpits patronage*, by *Thomas Ball*, part. 3. ch. 4. arg. 9. where he compareth ſuch Overturners of theſe ſetled bounds, to a fellow who told him he cut timber out of other mens hedges, becauſe *God never made hedges*. Theſe and many the like conſiderations do make it evident, that theſe *Witneſſes* in ſtead of wyping off, have added new jealouſies of their way; and that while they make it their work to advance their party, they little conſider into what inconveniences they thruſt themſelves, nor what a door of confuſion they open to all Innovators.

Thirdly, They labour to clear themſelves in this matter by recrimination; telling us (*pag.* 22. 23.) That we have intruded men upon their ſetled Miniſters; have divided and ſeparated from the body of Presbyteries, being but a ſmall part thereof; have counteracted and cauſed people counteract Determinations of Presbyteries and Synods; That Synods have taken things out of the hands of Preſbyteries, where there was neither reference nor appeal, nor maladminiſtration; have refuſed to acknowledge Miniſters for members, though duely called, tried and ordained; and that ſome Synods have taken upon them the power of a General Aſſembly.

Anſw. Were all theſe true charges and unqueſtionable faults, yet we know they have better skill than to think they can juſtifie their fault by our committing of another. But in ſo far as we can underſtand theſe general challenges (and we wiſh they had made them out more diſtinctly) we doubt not ſufficiently to clear our ſelves, not only *as to the matter*, but to the *obſervation of Order* in them. And, 1. If after a Miniſter is orderly called, and upon his trials before the Presbyterie in order to his admiſſion, ſome of them in the mean time in a few dayes huddle up the trials of another, who is deſired by ſome of their party in the Congregation, and do thruſt him in over the belly of People, Presbyterie, and the perſon who is already called; We truſt none will count it a crime, that the Preſbyterie proceed in their orderly way to ſet over the People the man whom they have called, and to whom they do ſtill adhere. Or, ſuppoſe they in their precipitant way, (as they uſe not in theſe caſes to obſerve the preſcribed Order) do take the ſtart of Presbyterie and People, and thruſt-in a man; we do not believe that any will condemn

demn the Presbyterie, if they hearken unto a People, and set a Minister over them according to the appointed Order, seing they cannot in conscience submit to such an Intruder, and are rather willing to maintain another (if the legal maintenance be otherwayes disposed of) than be brought into such bondage: To do otherwayes were not only to approve of their usurpations, but to wrong the liberty of the People, and subject them to an intolerable slavery; though otherwise we have forborn to meddle with such as they have thrust-in, where the People do not make a grievance of it. 2. It hath been often denied that the guilt of separation and dividing of Presbyteries lieth at the door of those who adhere to the Judicatories of the Church, and would they submit the matter to the trial of any competent Judge, it would appear to be so. But they have now taken-up a way of being both Judge and Party in their own cause, and so are sure not to lose. And were it for edification to search the Country for stories of fact, and trouble the world in print with them, it were an easie thing to make the injustice of this charge appear. This we assert, that all they can say in this matter in places which we know, is, That because the Brethren of a Presbyterie would not owne, nor sit with such as were deposed by the General Assembly (who, with possibly one or two of their adherents, would presbyterially condemn all the proceedings of the Assemblies) but did meet together apart to do the work of the Lord incumbent to them, therefore they must be accounted dividers from their Presbyterie. And in another Presbyterie, which in time of the troubles had not met for a year, some Protesters (at the instigation of some of their Leaders) having called the Brethren together occasionally, without conveening Moderator and Clerk, did approve of the Protestation against the Assembly at *St. Andrews* and *Dundee*, which when some Brethren, who met with them, perceived, they deserted that meeting, and did acquaint the Moderator therewith, who (as it was proper to him) appointed time and place for the meeting of all the Presbyterie: But these Protesters, who had formerly met, would never meet with them any more, but keeped their own adjournments and meetings to this day, notwithstanding all the endeavours of the Synod to unite them. All which being duely considered, will leave the division at their door, seing they would not conveen at the Call of the Moderator, whose office it was to call them

them together, after ſo long an intermiſſion, at leaſt it ought to have been firſt deſired of him. Nor did the Presbyterie conveen, ſecluding them, but they were called with the reſt, and when they refuſed to come, were earneſtly followed by their Brethren; and it was a long time after, before the Synod (having much and often dealt with them to unite) did proceed to declare theſe to be the Presbyterie they would owne, who ſhould meet together at a time and place fixed by them. Which they could not forbear to do any longer, unleſs they would leave all the affairs within theſe bounds in a confuſion. 3. For our cauſing people counteract the Determinations of their own Synods, it is a thing we profeſs ignorance of, and do take it for a calumny unleſs they make it out. But that People or Miniſters have been warranted to counteract the Determinations of Presbyteries, when their ſuperiour Judicatories have condemned theſe their Determinations, and reponed the parties injured to their right, we hope is agreeable to the Rules of Government; and what elſe they can mean by that general challenge, we confeſs we cannot divine. 4. That Synods have found mal-adminiſtrations in Preſbyteries, and ſo have taken matters out of their hands (according to the Order) when yet theſe Presbyteries did not find any mal-adminiſtration in their own actings, we believe is true enough; But we hope this will be found no crime, unleſs we make Presbyteries their own Judges, to determine when they are right and when wrong, and diſallow that Synods take any thing from them, either upon appeal or mal-adminiſtration, except they will firſt be pleaſed to be convinced they have been in the wrong. 5. That Synods (though they have forborn to quarrel mens exerciſe of their Miniſterie in Congregations where they have been diſorderly planted, when the Congregation maketh no oppoſition to them, as it falleth out in ſome few places; Yet) will not owne theſe as members of their Synods who are thus admitted, either by Miniſters without the bounds of the Presbyterie, or by Miniſters within the bounds, who make themſelves a Presbyterie, and will neither unite with their Brethren, nor be ſubordinate to the Synod, is, we hope, the moſt ſober and fair teſtimonie can be given againſt their encroachments and uſurpation, and will be condemned by none but thoſe who would have us (as they elſewhere phraſe it) ſtoop like Aſſes, and bear all their irregularities, and approve all they do. 6. That a Synod, yea,

and Presbyteries of their judgment, take upon them the power of a General Assembly, is but too notour, in their judicial condemning the authority and constitution of General Assemblies: But wherein this crime of Synods taking that power on them can be charged upon us, we know not, unlesse it be on this account, That now when General Assemblies do not meet yearly as they were wont to do, Synods do take-off the Censures of some Ministers, according to the Order observed by General Assemblies themselves when they did open the mouthes of any. And this we believe will not be condemned, but any unbyassed person will judge it unreasonable, that men being in a capacity to be imployed in the work of the Lord, should be keeped back because a General Assembly (who used to reserve such cases to themselves) cannot meet to give them liberty. We believe that in the want of General Assemblies (as in *Holland*) they will not judge that Synods may not do more in things within their own bounds, than if they had them yearly. And (to use their own argument here) we think they should not quarrel this, who not only wait neither for Presbyteries nor Synods, but do themselves take-off their own Censures inflicted by General Assemblies; but their extrajudicial meetings do transact and conclude things of most important and general concernment to the Church.

III. To the complaint of their slandering of us, they make a large return, *pag.* 24—— 31. And,

First, They begin with recrimination, making mention of a Latin Piece lately published, which they father on a dead man, reflecting also on our Preachings and Prayers, and other Pamphlets, as they call them. *Anſ.* To adde nothing to what is formerly said of their inhumanity toward the dead, we shall only imbrace their own Overture, and shall be obliged to any of them who shall be at the pains to turn that Piece in English, and let it plead for it self. And for our Preachings and Prayers, though we love not to justifie our selves, or cry-up our abilities and abundance of matter for that work; for, *Who is sufficient for these things?* Yet we make conscience to speak nothing in publick but Truths of God, and such things as are suitable to the present condition of our hearers; and who so reproacheth us in these things, we must leave it at our Masters feet in whose Name we speak. However, we have learned not to credit all the news they give us of the acceptance of our Ministrie, either with

these

these of our or their own judgement, being, we hope, approven not only to God, but even in the consciences of our hearers. And we may also say, there was never more forbearance given, in a constituted Church, to irregularities in preaching, than hath been given to theirs, though they be so unparalleled; and all out of love to peace. Whatever we say or write against their cause and actings therein, yet we use not to slander their persons in things extrinsick to the cause as they do to us; nor did we publish any thing of that kinde, till they by printing and writing had defamed us at home and abroad, which necessitated us to say somthing for our selves and the Cause of God in our hands.

Secondly, They justifie these their actings by shewing that they were necessarily drawn thereunto in their own defence, wishing us to have patience, if these be slanders, till God clear our innocencie and discover their malice and treachery: But if there be truth in them, they may lawfully plead with their Mother for good ends. *Answ.* 1. Though we indeed confess it our duty to walk submissively before God, under most unjust aspersions; yet we believe that doth not hinder us to vindicate our own integrity, and the integrity of a National Church, far lesse doth it warrant them who put us to this exercise thus to insult over us with such Ironick counsels, as they account them; we forbear to declare whom they imitate in these pranks, and are truly sorry that their pertinacious adhering to such divisive and destructive courses, notwithstanding all the sad fruits which they may daily perceive to flow from them, doth discover them so much to all impartial observers. 2. Our controversie being with them about the Publick Resolutions, and admitting of persons to imployment in a Civil State and Armie, and about the constitution of a General Assembly, we see not what could cast them upon the necessity of this defence of traducing all the Ministrie in that cause; seing they were standing Ministers in the Church before, not declared uncapable of being in a Gen. Assembly; And sure they fell not within the compasse of the Question of the Publick Resolutions; and therefore they might well have debated these points without reflecting upon the Ministrie, save in so far as they pleased to quarrell so many of them as were upon the Commission and Assembly, for their approving the Publick Resolutions, wherein they have been sufficiently answered already, and those who are concerned,

are ſtill ready to defend and juſtifie themſelves. The truth is, after theſe debates about the Reſolutions and Aſſemblies were become threed-bare and invidious to all ſober ſpirits, that they ſhould keep up a rent becauſe of them, they fell to a new clamour about purging, of which they here ſpeak, and in which we did not controvert with them, neither before nor in the time of their rent, yea, nor ſince, ſave in ſo far as we have ſtill complained, that their diſturbing of Church-unity and order, made it ineffectuall in many reſpects. What their deſign is in it, may clearly appear from this Pamphlet, wherein oftener than once they inſinuat and declare, that they hold our Judicatories corrupt, and would not joyn in a General Aſſembly ſo long as men, who (as they alleage) have made a defection, by approving the Publick Reſolutions, are the plurality in them. So that to have themſelves again in power, and others out, they make this clamour againſt us, which is unjuſtly ſaid to be in their own defence, but rather in proſecution of their deſign to overturn the Church-judicatories as now conſtituted, that ſo they may get all the power in their own hands, as was told them in the Declaration. 3. It cannot be accounted an act of defence for them to divulge mens ſuppoſed faults, inſtead of ſeeking to have them judicially tried and cenſured, and when none was purſuing them, to blaze them abroad in another Nation and Church, to make way for their obtaining of power to themſelves over their Brethren. 4. Albeit we ſhould be ſilent as to the truth of their charge, yet that paſſage, *Hoſ.* 2. 2. will not juſtifie their way of proceeding. We hope they will not make the ſtate of this Church parallel to the ſtate of *Iſrael* at that time when this command was given to the Godly, which they now pretend to imitate. For then they muſt conclude this Church *not to be Gods Wife*, but an harlot; and though ſhe have corrupted neither Doctrine, Worſhip nor Government, yet ſhe muſt be put in the ſame claſſe with vile Idolaters. Withall, if even when a Church is not Gods wife, but idolatrous, yet her children are bound (by that command) to plead with her as a *Mother*, before ſhe get an actuall bill of divorce; Then certainly a true Church, keeping the purity of Religion, ſhould not have her nakedneſſe diſcovered to the world, by divulging the faultineſſe of ſome of her Members or Teachers, without dealing with her ſelf to take courſe therewith. And it hath been long ſince told them in the *Obſervations*, *pag.* 17. that Mr. *Burroughs* was

of

of another ſpirit, who adviſeth that we ſhould plead with a Church orderly, in ſo far as may be, and by her Judicatories and Miniſters, which are her mouth: and peaceably, ſitting down when we have diſcharged our conſciences. But they have obſerved no ſuch rule nor moderation.

Thirdly, But to make out the truth of their charge, they make a long deduction of a ſtorie, That the body of the Miniſtery had been corrupt under Prelats, that the Generall Aſſemblies had acknowledged this remaining corruption, and therefore judging that Preſbyteries and Synods were not able or willing to purge themſelves, they found it neceſſary for ſeveral years to appoint Commiſſions to try and cenſure Miniſters and Elders, as was accordingly done: That theſe Viſitations again appointed in the year, 1650. were not kept by reaſon of the war; And that ſince that time few or none have been purged-out by Presbyteries and Synods, but many of thoſe who were formerly purged-out, are taken-in without ſufficient evidences of their repentance. *Anſw.* As we are very unwillingly brought upon the neceſſity of vindicating our own and others integrity, when we believe the Lord is calling us, and our Brethren alſo, to be rather lamenting after Him, and confeſſing before Him our failings and miſcarriages, for which He is contending with us: So we hope we may without vanity ſay what hath been openly avowed by ſome of their own ſide, that (whatever failings are among us) we have generally as well qualified a Miniſterie as any other reformed Church they know. We are ſure this long ſtorie is a very poor proof of their charge, and they had better made it out by proving, (or offering to prove it at leaſt) againſt the particular perſons in their reſpective Judicatories. For, 1. it is a very unconcludent proof againſt the preſent Miniſterie of this Church, that many of them were corrupt and prelaticall before the year, 1638. and that the Generall Aſſemblies did then and after complain of it: For now, in ſo far as we know of this Church, few of them are alive or unpurged-out, by the Commiſſions they ſpeak of and other Church-judicatories who were corrupted under Prelacie (and no wonder if twentie years make a great change of the Miniſterie of a Land) and generally the Miniſtrie doth now conſiſt either of thoſe who were oppoſit to Prelacie, or who have been ſince planted. And if ſome few of theſe be in the Miniſtery, who were led away in the time of Prelats, as we believe

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they have proportionably their own ſhare of thoſe on their ſide; So thoſe whom we know of them adhering to the Judicatories of the Church, may hold up their faces againſt all malice and detracters, for their ſincere renouncing of that courſe, their ability to ſerve God in the Goſpel of His Son, and their blameleſſe and Godly converſation, and we believe many of their oppoſers would be aſhamed to compare with them in any Reformed Church. 2. Though we judge it great preſumption in them to aſſert the inability, far more the unwillingneſſe of Presbyteries and Synods to purge themſelves, becauſe the Generall Aſſemblies did appoint Viſitations: Seing the Aſſemblies themſelves did give no ſuch reaſon of their deed, and they might well take their own wayes of viſiting and taking notice of the affairs of this Church, to the good liking of the Reſpective Judicatories, and without any ſuch imputation upon them. Yet had it been ſo as they aſſert in the time when they made complaints of the corruption of the Miniſtrie, who did only in an externall way renounce Prelacy, the caſe muſt needs now be altered, when (as is ſaid) theſe men are generally gone. 3. Becauſe the Aſſembly, 1650. did appoint Viſitations for triall and cenſure, which did not meet, muſt we therefore conclude the body of the Miniſterie corrupt? Sure their Commiſſion was to try before they cenſured; and may it not as well be ſuppoſed they might have tried and yet found nothing like the clamour theſe men raiſe? And would not the enſuing Aſſembly have approven them if they had uſed diligence, unleſſe alſo they had caſt out the generality of the Miniſters (as this charge muſt bear it) where they viſited? This ſeemeth to us ſtrange arguing, that becauſe an Aſſembly appointed men firſt to try, and then to cenſure as they found men guilty, (which imports at moſt but a preſumption that ſome guiltie perſons might be found where they viſited, for we remember not that either information or accuſation againſt any perſon or perſons within theſe bounds, gave a riſe to moſt of theſe Viſitations) therfore the plurality in thoſe bounds muſt be corrupt, and theſe Viſitators could not have given a faithfull account unleſſe they had caſt them out; and that if Synods and Presbyteries have not purged out many ſince (for even the purging of a few will not ſuffice them) therefore they are cooled in their zeal. We ſeriouſly profeſſe, that as we do not omit to ſearch out the faults of Miniſters, by enquirie at Viſitations Presbyteriall or Synodicall

nodicall, as need requires, or otherwayes by formal Proceſſe, when either there is a ſcandal raiſed on them, or information or accuſation given-in againſt them: And we durſt appeal to the Conſciences of theſe our Brethren joyned with us in that work, whether we have not been moſt exact, not only in continuing them under Proceſſe, were it for years, ſo long as there was any probability to prove any thing againſt them, but in cenſuring the leaſt thing that we found (which yet hath oftentimes been very little after ſome years toil) according to the ſtricteſt Rules of Diſcipline: So that we know no cauſe theſe *Witneſſes* have to complain of us, but that we will not thruſt-out men, whether we can find them guilty by an orderly way of trial or not. If we took pleaſure to recriminate, we could eaſily make it appear that they have done leſſe theſe years bygone for purging-out thoſe of their own judgment, in places where they have power, than hath been done by us in reference to thoſe of our judgement. For, albeit it be not our way to make ſuch clamours of the corruptions and inſufficiencie of men of their judgement, as they do of us; yet it is known that diverſe of them are ſuſpected of inſufficiencie, and diverſe reports of groſſe ſcandals have been vented of others of them, of which they have taken little or no notice. 4. As for the reponing of ſome men to the Miniſtrie who were formerly depoſed, we believe that theſe ſeven years paſt there have been fewer reponed by far, than uſed to be reponed by Aſſemblies and other inferiour Judicatories in ſo long time before. And as the particular Judicatories, who reponed them, are ready to anſwer to their Judge competent for their deed, and to give in the meantime a ſatisfactory accompt to any unbyaſſed perſon; So, were the matter as groſſe as they can make it, yet the number of thoſe who are reponed, are not ſo many, nor in ſo many Synods (for they inſiſt chiefly on one) as to prove this generall corruption of the Church. And if any favour hath been ſhewed to ſome, who are depoſed ſimply for their being ſilent in the matter of the Engagement, 1648. (who yet did acknowledge much ſin in that complex courſe before they had liberty to Preach) as (to our beſt remembrance) it was not the deed of thoſe of our judgment only, but ſome of our Brethren did joyn in that matter; So we believe, that were the men known, it would be judged no corrupting of a Church to enjoy ſuch Labourers; and we have credible information, that thoſe of

their Congregations, who ſometime oppoſed them upon our Brethrens principles, do judge ſo of them.

Fourthly, They cloſe the confirmation of the truth of this charge with the teſtimony of the Godly, bewailing the ſame things with them; declaring alſo, that Malignants who were formerly enemies to Reformation, and to the Government and Judicatories of the Kirk, do now cry-up the Judicatories and Miniſters who are oppoſit to the Proteſters; And that now the weapons of Kirk-government are imployed againſt the Godly, which are appointed of God for their defence and comfort. *Anſw.* We have been ſo long acquainted with their arrogating the title of *the generality of the Godly* to their party, and with arguing from mens teſtimonies in this cauſe, that they cannot have much weight with us: only it would be thought a ſtrange paradox with them if we ſhould aſſert (as truly we may) that many precious and godly perſons, both Miniſters and others, are deeply afflicted for their irregular and diviſive courſes, and that they will never give over contending, nor joyn with their Brethren in the Lords work, and that they are too laviſh in their charity, in crying-up of all who joyn with them, while they ſpare not to load, even the beſt of thoſe who are oppoſit to them, with calumnies: But as to the buſineſs in hand, we think it not ſtrange that their party be ready to cry out of the Miniſterie of the Land, ſeing that hath been their Leaders work theſe years bygone, to traduce the generalitie of the Miniſterie in their Preachings, and on all occaſions, and to poſſeſs people with prejudices againſt them, that ſo they might fix them to themſelves. And when we find ſome of their Schollers ſuch proficients, as after they had brought them to abhor the bodie of the Miniſterie, they came at length to renounce themſelves, yea, and all Miniſterie, at leaſt a Miniſterie of the Church of *Scotland*; and others have not feared to aſſert, and that to ſome of our ſelves, That they would not have the Apoſtle *Paul* to be their Miniſter, were he not of their judgment, and that they would count it good ſervice to Chriſt to ſtone ſome of the moſt godly and able Miniſters not of their judgment, whoſe praiſe in the Goſpel is throughout the Churches of Chriſt; When (we ſay) ſome have made ſuch proficiencie, it is no wonder they have prevailed with the generality of them to be diſſatisfied with the bodie of the Miniſterie. They have (if they would conſider it)

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an heavy account to make for their miſ-guiding of people in this particular, and for miſ-employing their zeal and affection, (which ſhould be taken up mainly about their own condition) upon theſe controverſies and debates, and by teaching them to reject their Teachers who are neither erroneous, inſufficient, nor ſcandalous, have learned them (we fear) to run too wilde in this particular, and even to weary of thoſe whom they account good men, upon an apprehenſion that comparatively they are not ſo good as others. Whereas diverſitie of gifts hath alwayes been in the Church, and men ought not therefore to be contemned becauſe they cannot equal others (though really it were ſo) ſince Chriſt appointed His weak Diſciples to be heard in the dayes of His own Miniſterie, and the Apoſtles did appoint ordinary Miniſters to be heard in their own dayes. And as to what they ſay of Malignants, we are often in this Piece cryed out upon as huggers of the Malignants, countenancers of, and countenanced by them. And yet the world ſeeth that ſome of our Brethren are the great Courtiers with diverſe of them, even of theſe whoſe receiving by the publick Reſolutions is their great quarrell. For our part, as we have learned neither to love nor loath a cauſe becauſe of perſons owning or oppoſing of it, but as it ſhall be found to agree or diſagree with the Rule; So we bleſſe Him from whom we have received mercy not to countenance or approve of Malignancie, profanity or errour, though we hold our ſelves bound to become all things to all men that we may gain ſome, and not to give even the worſt juſt occaſion to reject or take a prejudice at our Miniſterie, if ſo be we may draw them to Chriſt, which is the great end of the Goſpel committed to our truſt. If men who have been, or yet are Malignants, do approve a truth or a good courſe, we cannot therefore reject it, but do rather ſee cauſe to bleſſe God, that any do owne the truth of God, and reſpect this poor Church, when they are ſo buſie to ruine it. We hope they will not judge the cauſe of *Anabaptiſts*, *Quakers*, *Antiſcripturiſts*, and the like Sectaries, a whit the better, that they can object that profane men do countenance their oppoſers, and the Truth's oppugned by them. And take the caſe as they ſtate it; let themſelves be as good and holy, and others as bad as they call them, and all that can be inferred from it, is, that they have ſo much the more cauſe to mourn that they ſhould let ſuch men outſtrip them in a good

turn, and be founder in their principles and way than they are. We ſuppoſe it was no ſmall aggravation of *Davids* fault in numbering the People, that he was ſo violent in the matter, when even a bloudy *Joab* is oppoſit thereunto, and did not only witneſſe againſt it, but it *is abominable* unto him, 1 *Chron.* 21. 3, 4, 6. We do alſo acknowledge, that Government and Diſcipline are appointed for the defence and comfort of godly men, following the way of holineſſe: But we do not think it is appointed for the defence and comfort even of godly men in every courſe they take in hand, ſave in ſo far as it is appointed as Gods own medicine to cure them when in a diſtemper, and His rod to reclaim them when they are wandering: And therefore when they are wrong, were it imployed againſt their evil courſes (though we know nothing done but the naked teſtimonies of Judicatories againſt them) they ought not to repine.

IV. As to their vindication of their endeavours to ſet up extrajudiciall Committees of equal numbers, for managing of the affairs of this Church; to which they ſpeak, *pag.* 31.——39. We cannot but obſerve a notable piece of nimbleneſſe in their managing of this defence: For they bring-in this challenge, mentioned in the Declaration, only as it is complained of, that the not granting of that Overture of extrajudiciall Committees of equal numbers of both judgements, to be choſen by the reſpective parties, was a cauſe of breaking-up the Conference for Union: without mentioning that other part of the complaint, that they endeavoured and with much eagerneſſe proſecuted that deſign (imploying all their credit with all ſort of perſons for that effect) to have the ſame impoſed upon us when they were at *London*. Only they huddle-up what is ſaid of that as a reſuming and proſecuting that ſame point: As if the Authors of the Declaration were complaining in both places of their breaking off the Conference only upon this matter. And ſo all-along, they hold us to the *Article as propounded to us*; Only they give an hint of an *Overture, the ſame for ſubſtance as it was propounded to us*, without ſpeaking to what an Overture it was, and when or how given-in. This is indeed an handſom (or rather unhandſom) conveyance or ſhifting of what they had no will to meet with: For, to ſay no more, any unbyaſſed perſon will ſee a vaſt difference betwixt a deſire to have an extraordinary Overture take place in a Church, by the common conſent of thoſe who are concerned; and

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ſome privat perſons endeavouring (and that after other deſignes, to the great prejudice, if not ruin of this Church, had miſcarried in their hand) to have ſuch things *impoſed* upon the Church by the Civil Power, when they had no Commiſſion from the Church for that effect, and knew it was deſſented from in a former Conference, by the Miniſters of the Church, upon whom they would have it impoſed. This is an uſurpation upon a Church and her Government, which we believe no ſound Presbyterian will juſtifie, nor any others who are not *Eraſtians*, as was judged by godly Presbyterians upon the place when theſe Propoſals were made, to whom the Churches of Chriſt owe thanks for their teſtimonie to the Truth againſt ſuch projects.

But to conſider what they ſay, (leaving that diſtinction betwixt the eſſentials and circumſtantials of Government. *pag.* 33, 34. to which we have ſpoken before) They confeſſe it is an Overture *out of the common road of ordinary procedure*, *pag.* 37. and therefore they are but in *petitorio* with it, and had need to make their arguments for perſwading us to run out of the way (which we believe to be of God) very pungent and preſſing, before we can yeeld to their deſire. We conceive their diſcourſe on this ſubject may be reduced to theſe heads.

Firſt, That the decaying and diſtempered eſtate of the Church calleth for and alloweth ſuch an Overture, otherwiſe they profeſſe they would be *as far from preſſing it as any other*, pag. 32, 33. Which is, upon the matter, (as we may hear more fully afterward) that were they once the plurality and in power, they would be loath to let it out of their hands, or let any ſuch Committee be ſet over them, or any party preſume to nominate an equall half of theſe Committees. This we do very eaſily believe; but now ſo long as they are out, and cannot be content of their lot and ſhare in Government, as their number in Judicatories alloweth, all muſt be corrupt, and all the Judicatories caſt looſe and trod upon, as unwilling and unable to do a good turn. But to the matter, As we know no other diſtemper nor unpeaceableneſs of this Church but what themſelves have made and continued, and therefore may cure it whenever they pleaſe to weary of theſe courſes; So, for the ſuppoſed corruption thereof, we have already conſidered how they have made it out. Only we bleſſe God, they will find no unſound Doctrine or Worſhip, nor ſcandals in converſation approven in this Church, nor yet

that this Church is upon the declining hand ſince our differences, as to the planting of able and honeſt Miniſters: And we do again aſſert, That whatever corruption there be in Members of this Church, yet this remedie once admitted, of turning the Government out of the channel which we believe to be of God, would be far worſe than the diſeaſe, and a preparative of moſt dangerous conſequence, whenever any party ſhould be pleaſed to make uſe of the ſame. Yea, if upon the ſuppoſall of our corruption, they infer the neceſſity of extrajudicial Commitees, may not others gather much more from ſuch premiſes? Were it even a ſeperation from us, or a prelacy (as their Commitees are in effect) in ſome honeſt hands to controul us in our actings. They again inculcate, *pag.* 33. That General Aſſemblies conceived extraordinary viſitations needfull; when the Church was in a better condition than now, and when not a few in Preſbyteries and Synods did ſay it was a foundation for an imputation upon Synods and Presbyteries. *Anſw.* But (to repeat nothing of what hath been ſaid of the preſent caſe of this Church) any body with half an eye may ſee a difference betwixt a General Aſſembly the Supream Nationall Church-judicatory, their appointing their own Delegats, choſen without reſpect to factions, by plurality of Suffrages, for going about a work, and this extrajudicial Committee, choſen by parties to do the affairs of Presbyteries and Synods. Muſt it not be ſtrange arguing, That becauſe General Aſſemblies appointed Viſitations to try and cenſure, therefore they ſhould conclude guilt is found on the plurality of Miniſters; whereas themſelves have found it otherwiſe where they have power and made trial of men, and where they made as great a clamour of the corruption of men of our judgment, as now they raiſe of them in other places? And therefore alſo either muſt they, who are a dividing party, have matters tried in an extrajudiciall way without order, otherwiſe they will do what they can to overturn the Church. They retort, *pag.* 37, 38. That though they have not the ſame power the Generall Aſſembly had ſo to do, yet the Aſſemblies ground and reaſon moving them to appoint theſe Viſitations, doth yet remain, *viz.* that Presbyteries and Synods were not ſo healthy as to do theſe things of themſelves, which is much more true now when malignant men are got above hatches, and ſundry of them ſet to the helm. *Anſw.* But, 1. Is it not great preſumption to parallel Viſitations appointed

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by Assemblies, and chosen by themselves according to Order, and these Committees chosen by parties? Did Synods choose such Visitations according to Order (as they do upon occasion) within their own bounds, who would condemn it? but for parties to impose a Nomination on a Synod, is another matter. 2. Is it not as great presumption in them to judge that to have been the Assemblies moving cause in appointing Visitations, which they have not given out themselves, but only of some few Presbyteries here and there, especially in the remotest corners; as if they could appoint none but where their Delegats must find guilt, whether it be or not. Might they not well enough appoint Visitations to try and know the estate of the Church in severall corners, and to censure where they found ought amiss, without concluding that Synods and Presbyteries were unhealthy to do their work? We can instruct they appointed places to be visited where our Brethren themselves would be loath to say, Judicatories were not able nor willing either to do that work themselves; yea, their mentioning the miscarriages only of some Presbyteries, as the cause why they appoint them to be visited, doth clearly assoil other places appointed also to be visited, where there is no mention of any such thing, as may be seen from the Commissions themselves. But to clear this matter a little, it seems these *Witnesses* have a faculty of forgetting any thing that is not to their purpose: For others who were at the Assembly, 1648. (at which time these Visitations first began, those of the Isles and Highlands only excepted) and the Assemblies following do very well remember, that albeit the enormities of some few Presbyteries did call for such Visitations, and albeit all these Commissions were drawn up in the general and ordinary form, giving power to try and censure any faults that should be found, and that (in some of them) in any Presbyterie within a Province as well as another; Yet the Assemblies were moved to appoint most of these Visitations, neither upon the account of the generall corruption or averseness of the greater part of the Presbyteries, to do that work; nor yet mainly for cognoscing upon other scandals; But chiefly for the trial and censure of such as had accession to the sinfull courses and defections of the time, to the prejudice of the work of Reformation; Wherein the Judicatories were like to meet with difficulties from persons within the several bounds, who were either actually carrying-on, or censured

ſured for theſe courſes, and not as yet reconciled to the Church. And therefore the Aſſemblies did fall upon that way as the moſt effectual in that exigent for carrying-on the work, notwithſtanding theſe difficulties, and did chooſe rather to take that matter into the hands of their own Delegats, than let Presbyteries wreſtle therein, with much diſadvantage in ſeveral places. Which being well remembred, will commend much the prudence of the Aſſemblies, but not at all reflect upon the Presbyteries. 3. We have already cleared that there is no cauſe to aſſert that this Church is in a worſe condition now, than when many of theſe were in, who are now purged out, or that there is any malignant faction among us, except they will call them ſo, who do oppoſe their irregularities; and therefore they would firſt prove that there is a faction ſtanding in oppoſition to the work of Reformation, before they ſo often caſt it upon us. 4. As we are not bound to maintain the language of any particular perſons againſt the proceedings of Aſſemblies, who, it may be, were afterward for juſt cauſes put to the door; nor yet to believe all that they aſſert of this kind; So that they dare not faſten this upon any Presbyteries or Synods, (though they are pleaſed to ſpeak of *not a few* in them) is to us a proof, that Presbyteries and Synods were not unwilling to have that work done, as they alleage. And withall, the carpings of ſome men at the regular and orderly proceedings of their ſuperiour Judicatories (who, had they been in theſe times, might have learned not to ſubmit to them, ſince they judged not their Sentences juſt) ſhould not ſtop our mouthes from challenging the uſurpations of others. They tell us alſo, *pag.* 38,39. that, to avoid this Overture, they did offer that the Commiſſion and Viſitations of the Aſſembly, 1650. might ſit, if not by Authority derived from that Aſſembly, yet by the mutual condeſcendencie and approbation of Presbyteries, whereby alſo they might have power to compoſe differences. *Anſ.* But they having before that time approven their own Proteſtations, and condemned two General Aſſemblies, and upon that account ſitten in that Commiſſion, (without ſo much as a copie of their Commiſſion) as a Judicatory to continue ſo long as they were pleaſed to proteſt againſt any ſubſequent General Aſſemblies, and to manage all the publick affairs of the Church; In that caſe it was not lawfull for us to accord the Overture of ſetting up Courts, whoſe Commiſſions were long ago expired, and ſome of

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which they had ſtriven to keep up upon the ruines of the Aſſemblies. Nor do we ſee that Presbyteries (except conveened in a Generall Aſſembly and by giving a new Commiſſion) could authorize men to act in ſo univerſall and large a capacity, where themſelves had no juriſdiction, or authorize men in no other Provinces to exerciſe juriſdiction over themſelves.

Secondly, That our exceptions againſt this extrajudiciall Committee are irrelevant. To this purpoſe they ſpeak ſeveral things, *pag.* 34, 35, 36. 37. whereof we give this brief account, 1. They tell us that they deſire none to be in theſe Viſitations, but members of the reſpective Synods. *Anſw.* But then ſure the Committee in whole (being of equall numbers) will be but a ſmall number, if any at all, in ſome Synods, where few, or none of their judgement are. 2. They tell us that no power is deſired to be given them, but what is Eccleſiaſticall, and that they are not to proceed by any rule but by the Word of God and Acts of uncontroverted Aſſemblies; (where we muſt at all occaſions lay by other Aſſemblies, becauſe they are pleaſed to controvert and queſtion them) *Anſw.* But they ſhould firſt have cleared to us that ſuch a Court ſo choſen, is a Court of Chriſts inſtitution, and that to be equally divided of different judgements, and theſe choſen, not by the Synods, but the reſpective parties, are Scripturall qualifications of a Church-judicatory. 3. They tell us that they deſire not their power to be derived from any fountain, but from the Synod it ſelf. *Anſw.* But yet they endeavoured to have it impoſed upon the Synods, that they ſhould give them that power, and the Synods may juſtly queſtion if they be bound by the Word of God to give their power to perſons, whom they have not the credit to choice, whoſe election, qualifications, (that they be of both judgements in equal numbers) work, and way of their calling them to an account, are all impoſed upon them and preſcribed to their hand. 4. They tell us the nomination is made by no forinſick perſons, party or power, but by intrinſick members of the Synod it ſelf. *Anſw.* But they well know that this is not the way of Church-government, where nominations go by the ſuffrages of the Judicatories. 5. They tell us we wrong them in ſaying that they are not to be ſubordinate, and that Synods cannot call them to an account, ſeing in the Overture, as propounded to us, the contrary is expreſly provided. *Anſ.* But

hereby

hereby they give us occaſion to put them in mind that the ſame Overture concerning particular Viſitations, as it was propoſed elſewhere at *London*, hath no ſuch expreſſe proviſion: And if the pluralitie of them were of the ſame judgement with theſe *Witneſſes* concerning Subordination, it were a pretty complement given the Synods, to tell them that they are ſubordinat, and ſo countable to them, only ſo far as they give them no cauſe to think they give an unjuſt ſentence againſt them, according to their Doctrine in this Pamphlet. We think Synods will be tender to whom they give their power when Subordination is ſo deſcribed. But this may ſeem yet more ſtrange that becauſe of the corruption of Synods, therefore they cannot be truſtedwith the nomination of the perſons, nor with the doing of their own work but in this extrajudiciall way; and yet it muſt import no ſmall honeſty, that theſe Delegates will be ſubordinate and countable to them for their actings, as theſe *Witneſſes* would perſwade us: Would not this ſoon make all their labour vain, by the Synods (who are ſo corrupt, as they ſay) reverſing all they do? But, 6. When we alleage that the clauſe *of not reverſing any thing done by theſe Committees without the previous advice and conſent of a generall Committee of Delegates*, Doth bind up the Synods hands: They tell us that they may take an account of their proceedings, may admoniſh and rebuke them, yea, and take away their Commiſſion and Power in the caſe of mal-adminiſtration, and give it to others of their number nominated as aforeſaid. *Anſw.* But ſure this is a notable Subordination: The Synods may be angry if they pleaſe, and lay by theſe Delegats, but they have no power to reverſe their actings, nor rectifie their mal-adminiſtrations, till ſome others give them leave, and till they not only wait untill theſe generall Delegats be conveened from the ſeverall parts of the Land, and they have ſought their advice; but even till the Delegats conveened be pleaſed to give an advice to them, which it may be their party (being the equall half) will never ſuffer to be given; far leſſe may they reſume their power into their own hands, or be at their own liberty in chooſing fitter Committees than theſe wrangling equall numbers, but they muſt over again renounce their credit with their own conſent, and let others impoſe their new Delegats upon them. And yet we know not if their Overture will bear ſo much power to be left to Synods as this poor pittance will amount

amount to, unleſſe theſe *Witneſſes* know more of the minde of the projecters of theſe things, than we could read in their Papers: And withall, if it come to a new nomination, their number in the moſt of Synods will hardly (if at all) admit thereof, unleſſe they will chooſe theſe ſame men over again who have already forefaulted their credit. 7. They tell us they can ſee no ſuch thing in their Overtures, as that the Synods ſhould ſet up a *juriſdiction above themſelves*, as is aſſerted in the Declaration; But *only a power of advice upon the part of theſe Delegats*, (they mean the generall Delegats) *and a brotherly condeſcenſion in the Synods, &c. Anſw.* But they take *quid* for *quo*, and do not tell the whole tale: For albeit this be ſlavery enough upon Synods, that they may not meddle with affairs entruſted to them by Chriſt, without the previous *advice*, yea, and *conſent* alſo of theſe generall Delegats to whom Chriſt hath not ſubordinat them, (and how far this falls ſhort of a materiall exerciſe of juriſdiction over them, and a negative voice, let any judge) Yet the Authors of the Declaration did alſo include here theſe Committees of Delegats in every Synod, who if they be not ſet over Synods with juriſdiction in the matter of purging and planting Miniſters and Elders, and compoſing preſent and future diviſions in Congregations and Presbyteries within the whole bounds of the Synod, we know not what they are: And if they have not a negative voice, being ſheltered under the wings of the general Committee, it is becauſe they have more. Sure we are, their half in theſe Committees have a negative voice in all theſe things. 8. They tell us *a negative voice doth not infer a ſuperiour juriſdiction and power, but at moſt a coordinate power. Anſw.* And neither doth the Declaration prove their ſuperiour juriſdiction, by their having a negative voice, but only aſſert that it was a juriſdiction over the Synods, and that with a negative voice. It is enough that a negative voice doth ſo far ſet them over the Synods, that they may neither act in theſe particulars, but by the particular Committees; nor cognoſce upon what theſe Committees do, but by the generall Committee, and this is more than is due to any party over a Church-judicatory: Yea, it is greater juriſdiction over Synods, than any Synod can exerciſe over a Presbyterie, by theſe *Witneſſes* way of urging the cumulative and not privative power of Synods; for thereby the inferiour Judicatories may act, and not be hindred by the

ſuperiour; but here the Synod is ſo far at under, that it can neither act firſt, nor laſt, but by theſe. 9. They tell us that this negative voice extends not to *all caſes*, nor *all the actings* of Synods. *Anſw.* And when the one Committee takes from them, and Presbyteries alſo, the matter of purging and planting Miniſters and Elders, and of meddling in all preſent differences, and whatſoever they or any others ſhall be pleaſed to make a future difference; and the other takes from them liberty, till they pleaſe, to reverſe any thing they find done amiſſe; We will be oblieged to them to tell what they have left the Synod beſide, that is worth their pains and meeting, unleſſe it be to approve ſimply what theſe Delegats have done; or elſe (as the *Witneſſes* a little before gave them leave) be angry at them and ſhew their teeth, and poſſibly ſtoup down to accept of ſuch another nomination from parties (which they have found by experience to be ſo uſeleſſe a way) without any power to help oppreſſed men and Presbyteries and Congregations. But they aſſure us, that a Synod is free by the Overture to ratifie the proceedings of theſe Committees, not only without but againſt the advice and conſent of the Generall Delegats, if they pleaſe. *Anſw.* It ſeems they have not been afraid, but their equal number of Champions would be ſtiffe and clamorous enough (as none that knowes ſome of them will blame them of inſufficiencie in theſe particulars) as if not to draw ſome of the other ſide to yeeld to their determinations, yet to keep them from concluding any thing which they will fear to hazard upon the approbation of a corrupt Synod: But why ſhould they not alſo have power to reverſe any ill that is done, without needing to call for a meeting of Delegats from all the parts of the Country, and waiting their leaſure to adviſe and conſent, while in the mean time their Committees may put the matter paſt remedy one way or other: And how can a Synod put the ratification of their proceedings to the queſtion, If the *not ratification* of them be not the other member of the Queſtion? And if *not ratification* import a *reverſing*, do not the Synods make too bold with their Maſters and Tutors, to hazard that upon a Queſtion? Or, if it import not a reverſing, then we muſt learn this new principle of Government, that a Synod may not only refuſe to ratifie, but by a judiciall ſentence pronounce the non-ratification of the determination of a Committee ſubordinate and countable to them, and yet

theſe

theſe determinations ſtand unreverſed. But they aſſure us further, that not only is the Synod free to ratifie, but they are not *ſimply tied by the Overture* to follow the advice of theſe Delegats, in caſe of their adviſing them to reverſe the deeds of theſe Committees. *Anſw.* But we are ſure they are ſo tied by the Overture, that ſuppoſe they themſelves judge the moſt part, yea, all of their Committees deeds to be not only ſimply worthy to be reverſed, but moſt horrid and blaſphemous; yet they may not without the conſent foreſaid, reverſe any of them. And if they will allow the corrupt Synods ſo much as a libertie not to hearken to their Tutors adviſing them to reverſe what they think amiſſe, why will they not alſo allow them as much on the other hand, as libertie to reverſe what themſelves think amiſſe, though their Counſellers differ from them in that alſo? The truth is, we hardly think that indeed they do allow them any ſuch liberty, and that there may be a ſafe gloſſe (were the matter once practicable) put *upon the Synods not being ſimply tied by the Overture*, which would teach them better manners, than to ſleight the advice of their betters. But we profeſſe we are weary and grieved to ſee men ſo *ludere in re ſeria*, and think to pleaſe judicious and conſcientious men with complements. 10. They tell us further that we wrong them in ſaying this *Overture was propounded as a perpetuall ſtanding way, alwayes to be followed, to perpetuate difference and contentions.* *Anſw.* And yet they have not anſwered the argument which was propounded in the Declaration for proof of this, *viz.* that yoking of parties of equal numbers together in debates (as muſt be in theſe Committees) will rather widen a breach than heal it, ſeing they will not probably cede to other: Sure we are, we may loſe hope of ſome of them, who in our Judicatories can by no reaſoning be drawn to quit the concluſion which they had (in all appearance) inſtilled into them before they came in. Withall, they had done well to anſwer another argument inſinuated for proving this, *viz.* that their power continuing till the preſent differences be healed, the compoſing whereof (with all future diviſions) is put in their hands, and not at all to be meddled with by the Judicatories; Are not all the Judicatories then at their mercy to continue them ſhort or long, yea, perpetually if they pleaſe? It is true, they make an alternative of *another better way to be miniſtred in providence for ſettling peace*, upon which their power

is to expire. But the Judicatories are at a losse about that also, being sure our Brethren or their Delegats have a negative voice whether that be a better way indeed or not. And we are so much the more afraid of this better way, since in case this present way shall not please them, they give us no hope of recurring to Christs own Institutions, but they will have us look for some better way to be ministred in providence for setling peace; which for ought we know may be ten times worse. This also being hinted in that short Declaration, with other considerations against those Proposals, we leave to others to judge why they lost it, with other two above repeated, in their so large Answer to a short Paper, wherein but a few prejudices of many were mentioned, as might be easily made out by a large addition, were it needfull.

V. As to our challenging of the Order procured by some of them, putting the power of giving testimonie to Intrants (which is due to Presbyteries only) in the hands of some select persons of their own chooſing: They say (*pag* 61,62.) 1. That they wonder this should be mentioned, seing the Protesting Party did not imbrace nor make use of that Order. *Answ.* But if they did not imbrace nor make use of it, because it was prejudicial to the right of Church-judicatories, then they confirm all that is said of it, *viz.* That it was an *endeavour of some of their party to enervate the power of Church-judicatories*, though it pleased the Lord to break that snare; For their making use of it is not spoken to in the Declaration. Yet we must adde, that some will tell them, That even those who pretended not to imbrace that Order, yet dealt with others, who were for it, to let them have the benefit of it in their particulars, which will hardly amount to a serious testimonie and opposition. 2. They say, that he who is blamed in this matter did but give his advice in that matter, being required, and when he saw the Order was not accepted, he laid it aside and did not prosecute it any further. *Answ.* But who authorized him, or others, (if any others of them did joyn with him in it) to give advice in matters concerning the whole Kirk, without the consent of, or Commission from the Kirk, which was the crime laid of old in the Prelats dish, as a breach of these Caveats, whereby their power was at first restrained, after they had crept into this Church? What warrant had he to lay aside the Presbyteries in that matter, as not worthy to be intrusted with testifying concerning

cerning thoſe whom they are authorized by Chriſt to try and ordain, and put it in the hand of a *Junćto*? Was it to teach thoſe in power to ſleight Church-judicatories? With what face can they aſſert, that he thought it fit, *Certificates ſhould be granted by a ſelect number of both judgements*, as if this had been a Committee of equal numbers, when the quite contrary is clear from that Order? For therein, *Scotland* being divided in five Circuits or Provinces, and no Intrant being to have maintenance without the Teſtimonie of four (at leaſt) of theſe perſons authorized for that effect in the reſpective Provinces: The matter is ſo conveyed, as in no one Circuit there are a competent number to give a Certificate named of our judgement, as there is of theirs in every one of them, and only here one and there another of ours added; and yet there are a ſufficient number of Independents named for one of theſe Provinces, which containeth ſo much bounds as made up formerly five Dioceſſes of our Prelats: Further, if he but gave his ſimple opinion upon demand in this matter (and was not a projecter and procurer of it) what needed any oppoſition to make him *lay it aſide, and not proſecute it any further*? And how will he, or they either, convince knowing men, that it flowed from his condeſcendence, that that Order was laid aſide, when it was the deed of theſe in power here, who, perceiving the inexpediencie thereof and the prejudice redounding to many Miniſters thereby, procured the annulling thereof? This alſo we may ſay further, It was no ſooner laid aſide, but they were upon new projects prejudiciall to the Church, as is aſſerted in the Declaration. 3. They ſay, that we have done worſe our ſelves for bringing the Miniſterie into bondage, by clandeſtine capitulations about Intrants to the Miniſtrie. *Anſw.* We wiſh they had ſpoken out what they think needleſſe to mention; and if they had ſpoken truth, it would have appeared how falſly they have charged us with any ſuch clandeſtine capitulation, and how much more falſly they have charged us with bringing the Miniſtrie under bondage. In the mean time, for our part, we deny that there was any ſuch thing. And Mr. *Rutherfurd*, who in his late Preface to his *Survey*, chargeth this on a meeting of Correſpondents from Synods, hath given in print as much under his hand as that Engagement he ſpeaks of amounts to; ſo that if the reſt be of his mind, they quarrel not the thing it ſelf, but that they have not the credit to do it alone.

VI.

VI. In anſwer to what is ſaid of their deſign in their three Propoſals at *London*, they give us an account (and that in a different character) of what we ſay of the firſt, concerning their ſeeking a Commiſſion for Plantation of Churches, *pag.* 62. and in more than three pages following, ſpeak highly to our obſervations thereupon: but never a word of the other two Propoſals, which the Authors of the Declaration laid moſt ſtreſſe upon for proving their Concluſion, and therefore ſubjoyned them to the former in a different character, that they might be taken notice of. Theſe *Witneſſes* foreſeeing how truly all theſe three together might prove the charge, did therefore ſhuffle in theſe (as was ſaid before) with the buſineſſe of the Conference where theſe ſame things were debated; That ſo they might ſet their thumb upon them, as if there were nothing of them here, and then cry, How weakly is it argued to conclude their attempting the ruin of this Church, &c, becauſe they deſired a Commiſſion of Plantation, having power of diſpoſing of the legal maintenance of Miniſters? As if becauſe one of them (and poſſibly the weakeſt of the three) do not conclude it, therefore all the three together will not: And as if to endeavour the impoſing upon Eccleſiaſticall-judicatories in Eccleſiaſtick affairs, by the Civil Power, were but a *peccadillo* not worth the noticing by men who are writing Apologeticks of their reſpect to the Government, and anſwering Calumnies (as they call them) caſt upon them in that matter, and when that is one of the particular and weighty charges laid at their door. We believe it is no incivility to deſiderate ingenuity and candor here, and to ſuſpect that this tergiverſation ſpeaketh no exceſſe of honeſty in this particular. And they know that if all the circumſtances of their carriage and way in proſecuting theſe Propoſals and other projects at *London*, tending to the ſame end, were laid open to the world, it would give ſuch a character of their reſpect to Presbyterial Government as would be little pleaſing to them.

But what do they ſay even as to that Propoſal, 1. They tell us, that they finding the inconvenience of putting the diſpoſing of the legall maintenance of Miniſters, into the hands of a peculiar Court, and then of the Council, they did ſupplicate to have all that way altered, and that Miniſters might have full acceſſe to their ſtipends, without Bonds or Engagements, &c. And that there might be a Commiſſion for Plantation of Churches, who might alſo do the duty

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of the Civil Magiſtrate anent Eccleſiaſtick matters, &c. *Anſw.* We have never heard more of the firſt part of their Supplication (which we heartily wiſh were granted) that they are pleaſed to tell us here, and therefore *fides penes Authores*; and if they have done good ſervice in preſerving the Liberties of this Church (as they are pleaſed to take a good Teſtimony to themſelves, with a reflection upon their neighbours) unbyaſſed men do perceive, their Propoſals do witneſs, and one day, which neither they nor we can get declined, will declare. But why do they huddle-up ſo darkly the matter, concerning the power of diſpoſing the Legal Maintenance of Miniſters to be given to that Commiſſion, under theſe generals, *that they might do the duty of the Civil Magiſtrate anent Eccleſiaſtical matters?* which are the tearms they give us of their Supplication; Or, why do they make only a ſuppoſition of their deſiring it, when it is *in terminis* in their Propoſal? We ſhall wiſh them more candor than thus to deal with us and the world in print, ſpeaking ſo to the thing upon ſuppoſition, as if it were in doubt whether they had done it or not. And if their Supplication was ſo general, there have been moe injuries than one in it, to deſire that all the duties of the Civil Magiſtrate in reference to Eccleſiaſtick affairs ſhould be laid upon the ſhoulders of that one Commiſſion: For ſuch a power, taken in its latitude, might not only include the late Order (to which we ſpoke laſt) in a new dreſſe, and all the power which the Prelats had by vertue of their *High Commiſſion*, but all the power which Civil Courts or any Magiſtrate did exerciſe *in Eccleſiaſticis*. 2. They tell us it was no fault to endeavour to tranſlate the exerciſe of that Power from one ſubject to another, the Council being otherwayes neceſſarily diverted that they cannot conveniently attend it. *Anſw.* But, *upon ſuppoſal of the reſolution of the Civil Powers not to alter the former Way of diſpoſing of the Legal Maintenance*, which they had not only accounted inconvenient, but even now, (*pag.* 62.) had taxed it as a bondage upon the Miniſterie by our Capitulations: It had been more honeſtie for them not to condemn themſelves in what they allow, than thus to meddle to involve more in the guilt of drawing Miniſters into ſuch bondage. The Council is beholden to them for caring for their eaſe, though few Miniſters are wearied with long attendance in that matter; But we know theſe *Witneſſes* better, than to believe they would be ſo officious as to go to *London* and

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proſecute this Propoſal ſo vigorouſly only, for the Councils eaſe, if they had not their own intereſt wrapped in it. 3. They ſay, that ſuppoſe their deſign in that Propoſal, had been to call the Authority of theſe late Aſſemblies in queſtion (as is charged on them in the Declaration) yet not only that, *but the pronouncing them null, would not bring utter ruin to the Church and thoſe that plead for them*; Nor do they ſee any inconſiſtencie betwixt that Commiſſions exerciſing their power, and the ſtanding of the Authority of theſe Aſſemblies. *Anſw.* We muſt tell them again, that had they taken in all the Propoſals here, the Conſequence had not been ſo dark; And yet even that of their pronouncing the late Aſſemblies null, hath given a ſorer ſtroak to the Church than they will know well how to anſwer for, (as we have ſaid, and elſewhere cleared) and keepeth men who plead for theſe Aſſemblies under the imputation of a defection and tyrannical uſurpation of the power of a Gen. Aſſembly in this Church; And this they will have ſtill kept on foot, were it but in ſuch a matter as this, till they be at leiſure or have power to call them to an account for it. And though we make no queſtion but that Commiſſion, or any other Civil Court, might exerciſe their lawfull power, without any prejudice to the authority of theſe Aſſemblies, or from the ſtanding thereof: yet any who pleaſe may ſee that their deſire concerning the rule and way of that Commiſſions exerciſe of their power, doth conclude them controverted Aſſemblies. 4. In anſwer to that charge, that the deſign was to have the maintenance put in the hands of men to their mind, that ſo they might diſcourage all from the Miniſterie who are oppoſit to themſelves: They are pleaſed to recriminate upon the Acts of the late Aſſemblies; to which we have anſwered already, and may meet with it again hereafter: For they are afraid we forget it, and therefore we are ſo oft told of it, to make the volumn the bigger. In the mean time, we cannot but tell them, That had the Church made uſe of thoſe Acts, (as they did not) yet the compariſon is odious betwixt a Church taking courſe with thoſe who renounce her Authority, and are oppoſit to her juſt Determinations; and a parties endeavouring to cruſh their Mother-Church, and ſuch as adhere to Truth in her, that they may promote themſelves. They tell us again, *that though they cannot ſay they are ſo ſelf-denied, as not to have wiſhed it ſo*, (which we as eaſily believe, as we are ſure *de jure* they ought not

to

to have wished it so) *yet they never expected nor proposed that there might be such a Commission as might wholly consist of men to their mind.* *Answ.* Neither did any charge that upon them: for, sure the Maintenance might have been put into the hands of men to their mind, although that Commission did not *Wholly* consist of such. It might have sufficed for securing that, if they had kept but such a proportion as men to their mind keep in that Order, of which we spake in the last Section. And though they put us off with this handsome shift, yet we are sure they did not labour so hard in it to play an uncertain game to themselves, by admitting an equality of parties, or any thing like it, in that Commission. But they say further, that though the Commission had consisted *mostly or wholly of such, there would have been room and encouragement for men of our judgment both to continue and enter into the Ministerie.* *Answ.* Why they mention our *continuance in the Ministerie* here, (not to insist how much it would encroach upon the just power of Congregations and Presbyteries, if our *room to enter into the Ministerie* did depend upon such a Commission) we know not, unless it be to put us in minde to tell them that there was a project also to meddle with the Maintenance of setled Ministers, and to have the Stipends of all the Ministers, admitted since the year, 1650. sequestrate, till they should come before such a Commission. And though we do think, that there were sober-minded men of their judgment let alone by such as these *Witnesses*, and taught to meddle more with what concerneth their eternal salvation, and not to imbark themselves in controversies of this kind, we needed not doubt of receiving all kindness from them; Yet so long as they make it their trade to stir up all who will give them any credit, to traduce even the best of those who are opposit to them, we will be sparing of setting our seal to their assertion, unless there be an ambiguity intended here in the matter of *encouragement*, which honest Ministers will never want in the work of the Lord, even though Maintenance were withheld from them.

Having considered what they speak to this head, of their own Vindication (except what they say here to the matter of Subordination, which we leave to come in with the rest that followeth on that subject) we shall briefly consider how they remove two other prejudices before they come to the Overtures of Union.

I. Whereas it was laid to their charge, *that they began a need-*

leſſe rent in the Church upon a queſtion ſo extrinſick to our Doctrine, Worſhip and Government, and that *it is a toſſing of a debate now ſo far removed out of our way*, meaning the debate about the Publick Reſolutions: To this they give ſeveral Anſwers, *pag.* 67, 68, 69, 70, 71. And firſt, They tell us we began the Rent, in that ſome of the Commiſſioners of the Generall Aſſembly, without giving timous warning to others, did in the year, 1651. ſuddenly take theſe Reſolutions, when the whole Church of *Scotland* was in poſſeſſion of, and by Covenants and Vows engaged to the Truths to which theſe Reſolutions are contrary and deſtructive. *Anſw.* As to the proceeding of the Commiſſioners in taking theſe Reſolutions, as they needed not go into corners with that Queſtion, (it being well known, that though all of their judgment had been preſent, they would not have made any conſiderable part of that Commiſſion, for ſtopping their procedure to any ſuch concluſion) So they are able to juſtifie that there was no ſurreptitious dealing in that matter; But that, before that Queſtion came to be debated, that party had deſerted their truſt in the Commiſſion, in that time of ſtrait, and would not come to it. But as to the matter it ſelf, though their having truth on their ſide would not juſtifie them from being the makers of the Rent, if it were not relevant, or *tanti*, as to bear all the ſad conſequents of a Schiſm: Yet, we are content the Rent be laid to their charge who ſhall be found in the error in this debate. And we muſt again tell them, that it is not fair dealing, to ſtuffe ſo many Pages on all occaſions with lowd outcries againſt theſe Reſolutions, without ſo much as one Argument to make good their Aſſertion, or any endeavour to anſwer what is written againſt them in this mater. Let them make it good that there is an errour in theſe Reſolutions, That they are condemned either in our Covenants, or in the ſolemn Engagement, (concerning which it hath already been told them, that that Paper was ſo contrived of purpoſe as it might not precondemn theſe Reſolutions, if ever it ſhould be needfull to take them) Or, that the Church of *Scotland* did ever ſince the Reformation from Popery, oppoſe theſe Reſolutions (as they tell us afterward in the ſecond branch of their Anſwer) or owne any Doctrine contrary to theſe Reſolutions, and did not rather practiſe them and print Declarations conform to them. And let them anſwer what is ſaid to all theſe particulars, in the printed Papers formerly

formerly mentioned, before they so magisterially tread under-foot both the truth and us. 2. They tell us that it is not a question so extrinsick as we would make it, but involves a portion of the precious Truths of God revealed in His Word, and is a truth holden forth by the Kirk of *Scotland*, as containing what is necessary for preserving the rest of the Doctrine, Worship and Government from the pollutions which ill men use to bring in or give way unto, whereof they give an instance in the desires of the Commission of the Assembly 1648. concerning qualifications of Instruments in the unlawful Engagement; And they desire us to remember, of what spirit that man would have been judged, who in the Assembly 1650. (it seems by what follows it should be 1648.) would have pleaded this to be a question much extrinsick to our Doctrine, Worship and Government. *Answ.* Whatever was said concerning the nature of that question; Yet it was never our mind to assert, that there is not a matter of truth and errour in it, to be determined by the Word of God; nor yet will we deny, but (where the case is practicable in any Nation under heaven) their opinion in this matter is of soveraign bad consequence to the State and Nation, as not only exposing the Nation to unavoidable ruine, but even exposing the Doctrine, Worship and Government to the mercy of *Turks* and Pagans, or Papists, if they please to invade it, rather than they will trust fellow-subjects to defend themselves and the common Interest of the Nation, and that because they may bring in or give way to corruptions, as there they expresse it. Only we have still judged, that when the Church of *Scotland* is no way concerned nor put to it to determine that Question, *Who may be employed in State and Armies*; And seing this question is not determined nor debated in our Confession of Faith, and we may very well Preach Christ and the Gospel, and what concerns the practice of the people of God, without dipping upon that Question, yea, and may observe the Directory for Worship, and keep up Presbyteriall Government without it; Therefore it hath been thought strange, we might not lay such a Question aside, and joyn our selves in the work of the Lord which is presently put in our hand. But since those *Witnesses* will have it of such importance still, we do again put them in mind of their work, to make out their assertion in this controversie. Mean time, lest their state of the Question be as lax as that concern-

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ing Subordination is here, We muſt put them in mind of theſe few particulars, (1.) That they muſt ſtate the Queſtion more accurately, than to make it amount only to this (as they hold it out, *pag.67.*) *Whether we ſhould entruſt known wicked malignant men, enemies to Truth and Godlineſſe, with the Intereſts of the Lords Work and People?* For we will eaſily reply, that this ſtate of the Queſtion would be found faulty in diverſe reſpects, as to that caſe. It will not be granted them, nay, their own Conſciences dare not aſſert, that all of theſe then in queſtion, *were known Wicked Malignant men, enemies to Truth and Godlineſſe*, but rather that many of them were forward in the defence of the Truth and cauſe of God from the beginning, though they were led away in the matter of the Engagement. Neither will it be granted, that men Eccleſiaſtically purged from what acceſſion they had to evil courſes, muſt ſtill be accounted what they were before the profeſſion of their repentance, and while they were going on in their wicked courſes. And they muſt alſo remember, that the Queſtion will take-in more than *the Intereſts of the Lords work and People*, as they are pleaſed to take thoſe in a reſtricted ſenſe. For, the common intereſts and ſafety of the Nation, and of every particular perſon and family therein, are ſuppoſed to be concerned in the queſtion betwixt us, and conſequently will allow more to be engaged than in a quarrell purely religious. Yea, in ſuch a caſe of common hazard and combuſtion, they will hardly perſwade rationall Chriſtians, but that fowl water may very lawfully be made uſe of to quench fire. (2.) That they muſt bring better proofs than that of the Commiſſions deſire, 1648. to prove their aſſertion. For, there the Engagement was unlawfull, and the War was offenſive, and an Invaſion of another Nation; (to ſay nothing of the different condition and poſture of the Supream Magiſtrate in theſe two caſes) And if they will grant that the unlawfulneſs of that Engagement conſiſted only in the imploying of perſons wanting the qualifications in the Commiſſions deſire, and that it had been lawfull, if put in the hands of Confidents, they ſay ſomewhat: Otherwiſe, it will be found wilde reaſoning, that becauſe a Church being jealous of the States intentions in an offenſive War, otherwiſe unlawfull, deſired this, as one mean of removing their fears, that confident perſons might be intruſted with the management of the War; Therefore in a de-

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fenſive war, which none of the parties queſtioned to be lawfull, and wherein the whole Nation in generall, and every perſon in particular, are concerned as much as they are worth, no other perſons may be imployed. (3.) Whether they mean the year, 1648. or, 1650. we know not what ſtrange thing it would have been thought to maintain this *Theſis*; But we are ſure that the Commiſſion ſhortly after the Aſſembly, 1648. did, upon the debate, word the ſolemn Engagement ſo, as it might not precondemn that *Theſis*, as is ſaid before, and is elſewhere cleared; And the Commiſſion of the Aſſembly, 1650. did ſhortly after that Aſſembly take theſe Reſolutions, and that when it conſiſted generally of men who were moſt eminent friends to Reformation. 3. They retort this conſideration upon our ſelves, enquiring why we are ſo tenacious of the Determinations of our Aſſemblies about this Queſtion, which we judge ſo extrinſick, and will not, for the peace of the Church, take courſe that theſe Determinations be not looked on as the definitive judgement of this Kirk, or any of the Judicatories thereof, and why we make and keep up Acts againſt thoſe who ſubmit not to theſe Determinations? Why alſo we ſometime place the ſtanding or falling of this Church therein? Some of this ſtuffe is laid in our diſh again with vehemence enough, *Pag.* 85. But we *anſw*, If we look to what is paſt, and the Queſtion were put, Why the Aſſemblies did define and determine in theſe matters, and make theſe Acts? Our Reply would be, becauſe the things determined and defined are lawful and juſt, and they were required by the Civil Magiſtrate in a time of extream exigencie to give their judgement therein; And becauſe publick oppoſers of theſe Determinations, when practicable and neceſſary, are turbulent men and drawers on of the ruin of any Nation where they live. But if we turn to our preſent caſe, had the Queſtion been, Why do we not lay aſide theſe debats, and take away theſe Acts for peace? And why do we not forbear to impoſe theſe Determinations upon their conſciences, that they ſhould approve them as the definitive ſentence of this Kirk; yea, why do not we promiſe that they ſhould never be urged againſt them as the definitive ſentence of this Kirk? Our *Anſwer* is as eaſie, That all this is offered to them, in our Conference for Union, and rejected by them: But as to their Queſtion, we ſay, That therefore we do not take courſe that they be not looked on as the difinitive judgement of this

this Kirk, becauſe we are perſwaded in our conſciences they were lawfull Aſſemblies who did take cognition of theſe matters; And we know that *de facto* they did define and determine in them, and therefore we can not lie againſt our conſciences and knowledge to ſay the contrary; nor can we, being private men, annul theſe Determinations ſimply, which is only competent to another Generall Aſſembly, if they find juſt cauſe ſo to do. And if they can inſtruct, that ever private men did repeal the Acts of Civil or Eccleſiaſtick Judicatories (eſpecially which they held in their conſciences to be lawfull Judicatories) and declare them not to be the definitive judgement of theſe Judicatories (as it ſeemes they would have us believe, *pag.* 85. and is the thing they ſeek of us) Let them produce their evidences. But we believe they will ſuccumb in their probation, and that it will be found a practice intolerable either in a State or Church. And as to the weight they ſay we ſometime lay upon this matter; We do indeed judge that Queſtion about the Reſolutions very weighty, where a Nation is put to practiſe them. But they do here alter the Queſtion from what they are upon in this Section, and turn-in upon the Aſſemblies and their Determination therein. For we do not think (nor ever did we ſay) that the laying aſide the Debate concerning the Reſolutions, would be the falling of this Church: Only we aſſert, that their queſtioning the Authority of theſe Aſſemblies, upon the grounds produced, and our conſenting to them herein, were in effect to expoſe the Church to ruin, by granting a liberty to privat men to overturn National Church-judicatories at their pleaſure, and ſo to repeal their Determinations, as to declare they had no lawfull Authority therein; And yet this doth nothing contradict our Aſſertion, that the Queſtion about the Reſolutions is ſo extrinſick to our Doctrine, Worſhip and Government, as they need not hold up perpetuall debates about it, which is the Aſſertion they are now refuting. 4. They aſſert, that the ſubject matter of this Debate continueth, in reſpect of the ſin and guilt thereof, not taken with nor repented of, and in regard of the Synodicall approbation and tye, the Acts of Cenſure, publick Warnings, Declarations and Remonſtrances againſt the oppoſers thereof, the authoritative approbation thereof by Synods and Presbyteries, in regard of the execution of theſe Acts againſt ſome, the taking-in of malignant men to have Eccleſiaſtick priviledges and truſt, and to be Elders; and in regard of

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many ſad fruits and evidences of defection following thereupon; which they long ago repreſented to the ſeverall Synods. *Anſw.* We leave them in what they have given-in to Synods, to the Returns given them by the Synods, ſince they paſſe it here in a general, Only we ſay this, whatever were their faults in what they gave in to Synods themſelves; It had been more tolerable if they had ſiſted there, and had not caſt-off tenderneſſe and ſhame, in aſperſing the Judicatories and Servants of Chriſt in this Church, among ſtrangers, by their Papers ſpread at *London*, containing manifeſt untruths, as the particular Synods concerned are able to inſtruct. But for what they expreſſe here, as many of theſe particulars have been anſwered before when they laid theſe things to our charge; So for theſe which they refer to their conſiderations upon the Overtures of Union, *pag.* 71. We ſhall remit them thither alſo to ſee if they will be able to make out (as we are ſure they will not) that any of theſe things they complain of were to continue upon an Union (which is the caſe in hand) further than in ſo far as might reſerve the freedom of our own judgement concerning the matter of theſe Reſolutions, and the lawfulneſſe of theſe Aſſemblies; Or, if any thing was required of them which might either continue them under cenſures or cenſurableneſſe, or import their approbation of theſe things in their judgement. And as to the matter of Repentance, we truſt we have obtained mercy, not to decline the taking with, or repenting of real guilt, when it is made out unto us, though we dare not ſin againſt our ſouls to repent of our duty, and of owning the Truth of God, as we believe we do in this particular, whatever they ſay here to the contrary. We ſhall not inſiſt to regrate how little there is indeed of repentance for faults among us, nor ſhall we offer to do any thing like recrimination in ſo ſerious a buſineſſe; yet we muſt tell them, that as all of us have need of more repentance before the Lord, So though (we believe) it is their duty to repent their oppoſition to the Truth in this particular, and their violent proſecution thereof to the running-down of their Mother-Church, Yet we never did urge this as a thing without which an Union might not be: Yea, we think it ſtrange Divinity, that there can be no Peace or Union in a Church unleſſe every man will renounce and repent of every thing wherein he differs from another in judgment. We think God hath ſet other limits of mutuall forbearance for avoiding of a Schiſme.

II. Whereas it was alleaged, that their courſes did ſpeak them men *affecting preheminence, and to ſet up a domination of their Party in the Church and over their Brethren*: They begin with an acknowledgement of that bitter root of pride and ambition common to them with all men; but they deny that charge, though they grant they would wiſh all to be of that judgement in theſe points of difference, becauſe they judge it to be of the Lord: So, *pag.* 71, 72. *Anſw.* As we ſhall wiſh them (and our ſelves both) more ſenſe of that bitter root, and of the breaking out evidences thereof, according as their guilt is; and we are ſure ſome of them will not get many compurgators of that very crime: So we leave it to the judicious to conſider how they acquit themſelves of the charge in the matters in debate, in their unreaſonable demands of, and endeavoured impoſitions upon their Brethren, and in their endeavours to overturn and reject all Judicatories, where they are not the plurality, that they may have, at leaſt, an equal hand in all things by their Committees of equal numbers, as is frequent in this Pamphlet. In the mean time, they ought, firſt, to prove their way to be ſound, before they be ſo induſtrious to make ſo many proſelytes. Next, they purge themſelves of the crime, partly, in that, though the Commiſſion of the Aſſembly, 1650. be in their judgement ſtill in force; yet, after theſe of their judgement, who are Members thereof, had ſitten in that capacity, only till they had (with the advice of other Brethren of their judgement) publiſhed Cauſes of Gods controverſie againſt the Land, they have not ſince acted in that capacity: And partly, that having offered that we by our ſelves, and without them, would purge the houſe of God, and we doing nothing, but rather polluting it; it was no affecting of domination to take ſome other courſe, wherein yet they were content we ſhould have more than equall ſhare with themſelves, *pag.* 72. *Anſw.* 1. Though they boaſt alſo of this their condeſcendence about the Commiſſion, *pag.* 38. Yet, as it was the higheſt of domination in a National Church, That a party ſhould judge of the nullity of her ſupream Church-Judicatory, and thereupon continue themſelves in a power which was extinct by the meeting of that Judicatory, and which upon the ſame grounds they might perpetuate over the whole Church ſo long as they pleaſed: That they ſhould alſo uſurp upon their Brethren who were joyned in that Commiſſion with them by the

the Aſſembly, 1650. in conveening and meeting themſelves without calling to them to meet with them: That they ſhould meet without their Commiſſion, or a copie of it, whereby they ſhould know their Members and the *Quorum* of the Commiſſion, and the power and work committed to them, and without which they were *in mala fide* to act: And, that they ſhould obtrude upon a whole Church and the ſeveral Synods, ſuch things to be Cauſes of Gods controverſie as were approven duties, and had been owned as ſuch by the former Aſſemblies of this Church: (as hath been already made out in former printed Papers) As (we ſay) thoſe pranks did ſpeak the higheſt of uſurpation that hath readily been heard of in a Reformed Church; So it is well known, that after they had publiſhed thoſe *Cauſes of Wrath*, they have adjourned the meeting of that Commiſſion from time to time, and at laſt did vote in their meetings to ſet it up again, and act in that capacity; and had done ſo, if the Council (whom they ſupplicated for that end) would have owned them in it: So that their ceaſing to act ſince in that capacity, is to us no evidence of their coming down in their ſpirits: As may further alſo appear from the other courſes they have ſince taken up, as more compendious for attaining their ends, than the way of that Commiſſion. For beſide (as is ſaid) that they have no copie of their Commiſſion, nor do know the tenor of it, and the number which make a *Quorum*, they are but a very ſmall number of the Members of that Commiſſion; And if they could make a *Quorum*, yet few moe, ſo that they behoved to be conſtant Prelats attending on this thing. Withall, had that Commiſſion right to meet, they know if he who was Moderator thereof, would conveen all the members, they would not ſignifie much in that meeting, and therefore it ſpeaks no great want of a deſire of Domination, not to inſiſt on that. 2. As to the matter of Purging, and the means they have projected for making it effectuall, we have ſpoken thereto before, and it will come in afterward. Only we ſhall leave to unbyaſſed men, from what hath been ſaid, to judge whether their means favour of ambition or not; and whether the Church-judicatories and their Brethren have the credit of an equal ſhare, let alone more than an equal ſhare as they affirm (which indeed is to us a myſterie) in managing theſe truſts. And as to the occaſion putting them on theſe courſes, we owe them thanks indeed that they deſired us to

purge by our ſelves, when they, by their irregularities, and dividing from us, have made it ſcarce practicable, yea, and altogether of none effect, did others follow their principles and example. But we deſire to know where we neglected to try any upon any ſcandall; whereever we did forbear to cenſure condignly when any thing was found, and wherein this Church hath been polluted by admitting ſo many, or ſo vicious men, as ſhould put them upon theſe extraordinary remedies? Would they (as is ſaid before) have us purge whether we find guilt or not, or elſe they will fall upon ſome odd courſes? Sure, where themſelves have power and made triall of men of our judgement, they have not found ſo much as to need all this noiſe. And we think it were ſafeſt for them to content themſelves that they deliver their own ſouls, in their reſpective ſtations, in theſe matters, without ſtretching themſelves ſo far without their line. In the laſt place, They ſhut up this Apologie, with a remark that it is one of Satans policies, when he cannot find faults in the outward carriage of men in a good work, to charge them with inward abominations and miſchievous deſigns, which cannot ſo eaſily be refuted as juſtly denied, *pag.* 73. *Anſw.* But as to our caſe in hand, there is no need of ſecret or inward ſearch to find theſe things which are engraven upon the skirts of their actings: And if the things themſelves do not make-out our charge to all unbyaſſed diſcerning men, we ſhall paſſe from our compearance.

Having conſidered what they ſay for their own Vindication from alleaged aſperſions, we proceed, in the ſecond place, to take a view of their thoughts concerning the Overtures for Union held-out in the Declaration, paſſing their challenge againſt the Narrative premitted to it, as being ſpoken to in the entry. Here, we may be the more brief, partly, becauſe ſomewhat hath been ſpoken to this purpoſe in the Repreſentation, where an account is given of the Conference for Union, and the breaking it off. Partly, becauſe the things quarrelled and ſpoken-to here, have (many of them) occured often before. Yet we ſhall give an account of the whole matter in theſe particulars.

1. This is in general a brief and ſad account of it, that our tearms of Union are rejected, and no other offers made by them, but what we may gather from their exceptions made againſt what we offered. They profeſſe indeed, *pag.* 118. that our diviſions are among the deepeſt wounds and greateſt afflictions to their ſouls, and that they would

would redeem a ſinleſſe Union at any rate, that might not pollute their conſciences, and widen the breach with God; And yet, why do they leave it to us to make better offers, *pag.* 9? And why would they not here publiſh to the world what they would be at in order to Peace which they ſo much deſire, that either we might imbrace it, or be inexcuſable before the world, if we rejected it, or urged any thing upon them which might entrench upon their conſciences, and widen the breach with God? The truth is, whatever charity we have of the Proteſting Brethren (of whom they ſpeak, *pag.* 118.) that many of them are grieved with theſe diviſions, and would be at an Union, were they let alone: Yet we have not the charity that theſe *Witneſſes* are any of that number, but the very fomenters of the flame.

2. Becauſe it is declared that we will not accord to their Propoſals of extra judicial Committees (of which we have ſpoken before) nor recede from the eſtabliſhed Government, nor go out of *the common road of the Judicatories* (to the corruption whereof we have alſo ſpoken, and will ſpeak to Subordination thereunto afterward) Therfore they count Union very hopeleſſe, *pag.* 73, 74. Which is in effect, as their arguing afterward cleareth, to call it deſperate. So that it is now come to this, *No Peace*, not only except the Reſolutions and Aſſemblies be laid aſide, but except alſo the other Judicatories be laid aſide, and men be allowed to ſubmit to no more of their Sentences than they think juſt: A good and ſafe bargain for the Church of *Scotland* indeed! But we are yet reſolved not to quit the Judicatories God hath given us, ſpecially, ſince we have no hope of better to be raiſed out of the rubbiſh of theſe.

3. Becauſe the Declaration made mention only of theſe Overtures for Union which were moſt material, upon the according whereof, other things in the Conference might eaſily be ſetled; They are pleaſed to queſtion, *pag.* 74, 75, 76. whether we adhere yet to all the condeſcenſions and offers made by us in the Conference: And yet the very words of the Declaration, cited by themſelves, do expreſly ſay ſo much. But where men have no good liking of things, it is eaſie to fiſh faults at them.

4. Becauſe our judgment is aſſerted concerning the Acts of Aſſemblies relating to our preſent differences; Therefore they alleage we obſtruct Union, and (*pag.* 76, 77.) a great noiſe is made of our

receding, upon politick grounds, from things wherein we pretend to conſcience, juſtice and neceſſity, only becauſe the times are changed: And withall they tell us over again the injuſtice of theſe Acts, about things we account ſo extrinſick, and which they account contrary to the Covenant. *Anſw.* And yet all this needed not as to the matter of Union; but that they would needs let a fling at us: for however we think them juſt, yet it was never required of them to think them juſt in order to an Union; yea, it was promiſed they ſhould never be troubled with them: But when they have ſpoken here with as much vehemency againſt them, if not more than we have done for them: We are both free, when all is done, to agree not to impoſe upon one anothers judgment about them, and to lay them aſide. We ſhall adde no more to what we have ſaid of the juſtice of theſe things about which the Acts are; for till they prove them to be open breaches of Covenant and Engagement, they remain to us Truths of God: Nor ſhall we make any further enquiry who they are that change with times, and do bring the Miniſtrie in contempt, for that is too well known, and is no pleaſing ſubject whoever have hand in it. But for the thing it ſelf, we ſee no ſuch change in our ſelves as they would give out. We judge the thing it ſelf contained in theſe Acts, being conſidered ſimply, to be juſt and true at all times; That perſons obſtructing the defence of their Country going to ruin, and overturning a ſupream Church-judicatory, do deſerve Cenſure; and that it is neceſſary it be inflicted when it may reach the end, to prevent, or render ineffectuall their oppoſitions: And yet not only prudentiall grounds, but even conſcience telleth us that it is neither expedient nor neceſſary to make ſuch Acts, where the matter about which men controvert is not practicable, nor to keep them in force, when by laying them aſide we may obtain the Union of a broken Church. In a word, we hold it no paradox in Divinity, that practical concluſions, relating to the publick State of a Nation, do alter much with times, altering the face of affairs; And that in ſome times, things may juſtly, and ought neceſſarily to be done, which at another time, conſcience teacheth men ought not to be done. And as for the future, we have offered ſufficiently to ſecure them (ſo far as we can) againſt the hazard of theſe Acts, and that upon the ſame grounds of conſcience, which teach us now to lay aſide Acts about a Queſtion that is extinct; though we cannot be

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ſafety that the Church in the like caſe of a forreign Invaſion, and being interrogate by the Civil Power, ſhal never determine concerning theſe Reſolutions as they have done, and concerning any, who ſhall make the like oppoſition they have done. Yea, we are perſwaded, would themſelves but eſſay their hand with their wonted principles and practices now, it would ſoon be ſeen how it would be relliſhed. We ſhall only adde further, that as to what they inſinuate of change of times, it would be more like kindly children for them to be the more peaceable and reſpective of their Mother, that they think the times allow them a liberty to do otherwiſe. It is no great magnanimity to take advantage of her low condition.

5. As to what is ſaid, by way of Anſwer to their outcries, [that though ſome very few Presbyteries have required of Intrants of whatſoever judgement, that they promiſe not to trouble the peace of the Church with theſe debates; Yet none of theſe Acts have been, *de facto*, a bar to hold out godly men lawfully and orderly called and tried: Though they be induſtrious to thruſt in men of their own judgement, and cruſh Godly and able men who do not agree with them:] They tell us, 1. Of much and many wrongs done by theſe Acts, *pag.* 78. Which we intreat they may verifie and inſtruct (as they ſay they can) before we can anſwer. For whereas they appeal to our knowledge, We do declare we know Elders of their judgement kept in, and brought-in in Judicatories where we are the plurality, though in ſome places they have caſt out of their Elderſhips all who differed from them in judgement, and have never ſince made another Election, though uſually before they did yearly change. We know alſo Expectants of their judgement, not only admitted among us to triall in order to a liberty to preach, but (being lawfully called and tried) admitted to the Miniſtry where we have power. We fear many young men who went to other Presbyteries to paſſe their trialls, went not upon the account of their judgement, but that they might ſhun the more accurat trials uſed in Univerſities and Presbyteries where more learned men are. 2. They are pleaſed indeed to jeſt, by ſaying that we love to jeſt in our ſpeaking of what ſome Presbyteries required of men of whatſoever judgement, enquiring if they laid bonds on men of their own judgement, that they ſhould not debate for the Proteſtation? and who gave them power to lay bonds on men of their own judgement,

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ſeing the Aſſemblies Act ſpeaks only of men of the other judgement? To which we ſhall only anſwer with ſilence, (ſeing the matter is plain enough to themſelves when they are pleaſed to come to it at laſt, and Presbyteries might do all that, had there been no Act of Aſſemblies in theſe matters) confeſſing that indeed this is no matter of ſport, and if we be very merry, we have not ſo much cauſe as ſome of our neighbours, if we reckon by outward advantages. 3. They break high upon us, That ſome Presbyteries ſhould impoſe ſilence upon men of their own judgement, and yet we give them ſo ill example in our Repreſentation and Declaration, *pag.* 79. And what doth all this amount to, but that we would be peaceable, but they would not let us, but either we muſt let them run all down, or ſay ſomewhat for our own defence? And yet the ſcope of all that is ſaid in theſe Papers, is, to draw them, and with them our ſelves, to lay by the debate. 4. As to what they deny of their activity for ſtrengthning their Party, and do inſinuate of a reflection upon the Expectants of our judgement; The particulars being ſo notoure through the Church, both what they have done, and what many of theſe Expectants of our judgement are, we ſhall reſt confident that ſuch aſſertions as theſe will gain them but little credit, where the truth of things is known.

6. They take it ill that any thing is ſaid in behalf of the Aſſemblies proceeding to cenſure any of their number (which yet they cannot condemn till they make good their charge againſt theſe Reſolutions and Aſſemblies) and that we ſhould lay any weight upon their Non-ſubmiſſion: Seing we are not to thank that they did not ſubmit; they having ſuffered ſo many things at our hands, and with our connivance: But it proceeded only from the conſcience of their own innocency, and the iniquity and nullity of theſe Sentences, *pag.* 80, 81. *Anſw.* But as we are ſure many others do not judge of theſe Sentences as they do, nor it may be will they ſo look upon them themſelves, when they are brought to think ſeriouſly of making an account for their carriage, both before and ſince theſe Cenſures: So it is true, notwithſtanding all they ſay, that they have not ſubmitted. And it is no great wonder if their not ſubmitting, and not hearkening to tearms of Peace, have bred themſelves and us both ſome trouble; or that many in the Land do look upon them as turbulent and implacable men: Yet all they can truly complain of, amounteth to no more

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but this, That a Synod did (not to refuse to admit, but) take time to deliberate if they should admit one of them for a Correspondent, seing it would import their condemning of a Sentence inflicted by a lawfull Judicatory, though his spirit could neither submit to such delay, nor suffer him to go away without such a carriage toward a Judicatory of Christ, as we believe himself may find cause to be ashamed of; That Judicatories, of which some of them formerly were members, could not owne them as Ministers, who had been deposed by a lawfull General Assembly, but did intimate their Sentence, when they found they would not hearken to tearms of Union; And that some of their Congregations, who could not owne them for their Ministers, when they could not be rid of them, did seek to themselves a lawfull Pastor to whom they might submit. And for what hath been between some of their Congregations and them, we believe their pursuing of their people criminally (though they were assoiled in Law, and it was found they had pursued them unjustly) will speak who exposeth others to suffer most. However, all these inconveniences might easily be helped by an Union, if they had not the humour to force themselves upon the consciences of Ministers and People, whether they will or not.

7. Albeit (whatever might be said of these Sentences) we were content they should be taken-off in such a way as might not bind upon them the acknowledgement of the two late Assemblies, or of the lawfulness and justice of these Censures: Yet that doth not please them, seing the Censures are not to be declared void and null; Which (as themselves interpret the meaning, *pag.* 81, and 82.) importeth that they should be declared not only unjust Sentences upon the matter, but no real Sentences, as *proceeding from those who had no Authority.* And if this be an equal mean of Union, without imposing upon our judgments to condemn that Authority, let indifferent men judge.

8. Albeit it was offered to them, as to the Acts concerning the Publick Resolutions, that they shall be rendered of none effect as to Censure, and that they shall never be alleaged against them, as the definitive judgment of this Kirk to any effect: And albeit it was offered as to the constitution of the two late Assemblies, That (though we, for a *salvo* of our judgement asserted, that no unwarrantable prelimitations were put upon the election of Commissioners to these

Assemblies)

Aſſemblies) no unwarrantable prelimitations ſhould be put upon future Elections, but that theſe matters ſhould be carried-on as in former Aſſemblies preceeding our differences: Yet this doth not ſatisfie them, *pag.* 82, 83, 84, 85. They count it inſufficient that there be a ceſſation from executing Acts relating to Cenſure till they be made void and null by the next General Aſſembly. *Anſw.* And yet we know no Judicatories (far leſs privat Miniſters) who have power to repeal their Acts but themſelves. They count it a mock-remedy that the Queſtion concerning the Publick Reſolutions be remitted to the Determination of a Generall Aſſembly. *Anſw.* And yet they are the only competent Judges in that matter. But they alleage it is a mock-remedy, becauſe by the Acts they are ſecluded from being members. *Anſw.* And yet it is expreſly provided in the Overtures for Union at our Conference, *That none of the particulars of our late differences ſhall be alleaged, on either part, againſt the ſitting of perſons as Commiſſioners in enſuing General Aſſemblies.* They alleage further, that it is a mock-remedy, becauſe we will be the plurality in an Aſſembly. *Anſw.* And we deſire a remedy for this, unleſs they will have us renounce our judgment, or caſt the conſtitution of the Church as corrupt, and gather a new one out of the rubbiſh; And yet it is offered and aſſured in the Conference, that upon an Union, we ſhall in our judicial actings abſtract from theſe by-gone differences. They think it ſtrange we ſhould judge it a quitting of our judgement to condeſcend that the Publick Reſolutions ſhould not be looked-on as the publick definitive judgment of this Kirk: And that ſeing we agree to repeal Acts concerning Cenſures, without quitting our own judgment, we may as well repeal theſe Acts that declare theſe Reſolutions to be the definitive judgment of the Kirk, without altering our judgment concerning the things themſelves. *Anſw.* But as we know no ſuch Acts declaratory, that the Reſolutions are the definitive judgment of this Kirk, ſave only the Act of Aſſemblie approving them as ſound and orthodox; So there is no ſuch need of *piercing judgments* to take up a difference betwixt what we concede, and what we cannot yeeld: For, an ordinary capacity will diſcern that particular Concluſions concerning Cenſures may well be repealed, and declared of none effect as to execution, without encroaching upon mens judgments concerning the lawfulneſſe thereof, or of the Authority eſtabliſhing

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the ſame: And yet a dogmatick Concluſion determined in an Aſſembly, cannot be declared not to be the definitive judgement of a Church in her repreſentative Judicatory, unleſſe men will either lie againſt their knowledge, and ſay it was not determined there, or againſt their light, and ſay it was not a lawfull Authority or Repreſentative that did determine it. There is but too much Sophiſtry in aſſerting we may take off the Synodicall tye, without quiting or altering our judgements concerning the things themſelves: For who Queſtions but men may be of ſuch an opinion, had the matter never been determined, or ſhould the contrary be determined? but they know this was never urged as the reaſon of our refuſall of that deſire, but only that we could not condemn the Authority that determined in theſe matters. And however they are pleaſed to twit us again with our holding theſe things to be extrinſecall to our Doctrine, &c. Yet we hope, were they of never ſo ſmall moment, they will not have us lie or condemn our own judgements in them. And as to their apprehenſions concerning our deſigns, (which we know not why they repeat ſo often) As we do not readily expect that this or any Reformed Church will be put to the reſolution of any ſuch caſe: So we nothing doubt, that where-ever there is occaſion, their judgement will be condemned by all but themſelves, and we are ſure themſelves will not allow of it in all caſes.

9. They make a great noiſe of the inſufficiency of our Overtures concerning purging, *pag.* 86, 87, 88. (though we have better cauſe to complain that this being no cauſe of the Rent, ſhould therefore not keep up the quarrell) Aſſerting, 1. That for all our good words, yet we have purged few theſe ſeven years bygone. *Anſ.* But, (not to inſiſt on what is ſaid before, how few of their own judgement they have either cenſured, or ſo much as put to a triall, notwithſtanding clamours and flagrant ſcandals upon diverſe of them, and how much their diviſion and irregularities obſtruct that work in our hands) we thought the Queſtion had been, not how few, or how many we had removed, but how diligent or negligent we had been? ſince we muſt not put out men whether we find cauſe or not. We ſay it as before the Lord, that (for any thing we know) if there hath been any exceſſe in this matter, it hath rather been in laying aſide men upon ſmall cauſes, than in ſparing Delinquents. 2. They aſſert, that in one Synod more have been brought-in who were formerly

merly censured, than have been put out by us all, beside these who (having been formerly twice deposed) are connived at to Preach and Administer the Ordinances. *Answ.* It seems they have been unwilling their Pamphlet should want bulk, and therefore when they have told us this already (where we have considered it) they must now tell us it over again; yea, we look for it the third time in a new dresse, where we shall take a new look of it. In the mean time, if these proceedings of that one Synod (which is the sum of all they can say, though they will not be so ingenuous, but leave the matter so, as if possibly the like were done in every Synod) have been according to Order, and they are ready to give an account to their Judge competent; what further can be said of them, but that they have done what was the constant practice of this Church since the late Reformation? And as to these they say are connived at, we hope it cannot be charged on us as guilt, that deposed men having the countenance of the Civil power, do intrude upon Congregations, against our heart. 3. They assert we are become so backward and slow in this business, that in the Processes of some, we exercise our wits to raise notionall debates to hinder their purging out. *Ans.* As to this charge, we are content to take their own course of committing the matter to God, who knoweth who they are that are faulty in this matter of employing their wits for such ends, and who do bend their wits to cast iniquity upon some men, while they are no lesse industrious to obstruct the triall of others. As we dare say, that we are not conscious to our selves of any such sinistrous courses taken by us, to obstruct the triall of persons brought upon the Stage; So we can truly affirm, and they cannot deny it, that they have very much exercised their wits in such notionall debates, when some of their judgement were brought to triall. We are content our whole procedour, in these particulars they reflect upon, were laid open to the world, that they might see what our carriage was in admitting of Witnesses, and judging of their depositions. And we dare yet again confidently assert, that it is a malicious calumnie, that any of these are kept in against whom any *grosse scandals* (under which they say some lye) are proven, or that we have neglected to try scandals under which they lye, were it even to continue them under Processe for severall years, and to examine so many scores of Witnesses. And for the issue of any Processes

ceſſes we know of, in ſuſpending of ſome, and removing of others from their preſent ſtation, we know nothing done, but what theſe of their judgment joyning with us did approve of.

10. Whereas, (from the experience we had of their endleſs contentions in taking wayes to proſecute ſome Miniſters, which when the caſe came to befall ſome of their judgment, they ſaid it was out of the way of judiciall Proceſſes) it was offered that they ſhould agree upon the ſtricteſt rules of purging could be deſired in juſtice, provided they be binding to all, and to which all will ſubmit; This they reject, *pag.* 88, 89, 90. 1. Becauſe we do not adhere to, nor practiſe rules already agreed upon; and (ſay they) why then ſhould new rules be agreed upon? This (which is as eaſily denied as aſſerted) they offer to make-out; partly in that Synodical Viſitations formerly agreed upon, are now out of uſe, ſave in very few Synods; partly, that now we diſſent from the Kirk-judicatories their trying of Miniſters by way of Inquiſition, and without a Libell, yea, and an Accuſer too; and partly, that many of us do now ſo extenuate the faults of drunkenneſs, ſwearing, &c. as not to cenſure men for them with Suſpenſion and Depoſition, as formerly, unleſs the habits, or many continued reiterated Acts of theſe things can be proven. *Anſw.* All theſe quarrellings might eaſily be ended by reviving and renewing whatſoever of theſe hath been formerly agreed on; and put it to trial if either Judicatories, or *many of* our judgment, (whatever be the thoughts of ſome particular perſon, which yet they have not made-out) will not be content to engage to obſerve them on the tearms offered. For preſent, we anſwer, (1.) That Viſitations have been kept, not only by Preſbyteries, as is the uſuall practice, but by ſome of our Synods, they deny not; and we are ready to renew and continue them, as either matters come to Synods by Reference or Appeals, or Presbyteries are found negligent, which yet muſt not be holden as proven, becauſe theſe *Witneſſes* ſay ſo. (2.) Albeit we think it a very hard caſe, for Miniſters or others, to have Libels and Informations given in againſt them under-boord, poſſibly by them who ſit as their Judges, and that any ſhould give-in a Libell openly againſt them, and yet incur no Cenſure if he ſuccumb in his Probation; or that any, and particularly a Miniſter, ſhould be ſuddenly put upon the Stage as a Delinquent, where there is no probability of making-out any thing,

and he is ſure to be a loſer thereby: Yet they know, that the way of triall (which they are pleaſed to call *Inquiſition*) practiſed in this Church, is ſtill in force and practice, and that Presbyteries (beſide their private trials one of another, before the meeting of the Synod, twice every year) do uſually once a year viſit Congregations, where the Elderſhip are put in mind of their Oath to declare if they know any thing againſt their Miniſter; and the Congregation are likewiſe called to for the ſame effect, where, if any thing be informed, it is put to triall and probation: And in caſe there be any *fama clamoſa* of a ſcandall, extraordinary Viſitations are kept by Presbyteries or Synods, and enquiry made into that matter. And what other Inquiſition they would have, we know not, except it be the *Spaniſh* Inquiſition, or *ſuper inquirendis*. (3.) As to the matter of drunkenneſſe and ſwearing, and what elſe they are pleaſed to comprehend under that, &c. we truſt never to be left to our ſelves to approve or connive at ſuch ills, eſpecially in Miniſters. We hope through the mercy of God, we have a witneſſe in heaven of our deteſtation of, and ſincerity of zeal againſt ſuch abominations. And we wiſh the Lord may lay it indeed to the Conſcience, but not to the charge of theſe *Witneſſes*, that they ſuggeſt ſuch foul aſperſions to defame us. Nor ſhall we dip into an enquiry what hath been the practice of this Church, in cenſuring theſe faults in all the kinds and degrees thereof, and conſidered in all their circumſtances, which will not be found, we are ſure, to amount to what they ſay: nor yet ſhall we need to debate upon the particular opinions of any, concerning the Cenſure of one raſh oath, (or rather a minced oath, as it is commonly termed, which is the thing they make ſo much noiſe of) or ſome degree of exceſſe in a man, not known to be given to ſuch evils, and that *Admonition* is a Church-cenſure to be liſted at in ſome faults and in ſome caſes: Only for the Judicatories part, we can inſtruct where ſome of theſe faults have been cenſured, by us, with Suſpenſion, where there were not many continued reiterated Acts proven. 2. They except againſt this Overture, upon this account, that theſe rules muſt be applied by us who are the plurality, from whom they expect no purging. To this we have already ſpoken, as alſo to that of our being the plurality: Only this puts us in mind, that a new Queſtion is often hinted to us, whether the Church of *Scotland* be furniſhed with

Judicatories

Judicatories worthy to be entrusted with the managing of Christs affairs? Wherein we wish they would give us some more convincing light that we may all quit it, and put them in who are the honest men, if we take their own testimony.

11. They profeſſe they cannot accord to theſe Overtures, becauſe it is not provided that the plurality ſhall be laid aſide in Congregations, in the matter of calling of Miniſters, *pag.* 90. Which is in effect to lay by the body of the People as incapable of Church-priviledges (when yet they are admitted to Church-ordinances) and put them in the hands of ſome few: And is not this a fine way to draw in to Congregations of an Independent Conſtitution? Though we know Independents themſelves will not deny the liberty of giving a Call to them who are their Church-members, and partake of the Ordinances with them: For our part, we offered, and do offer to obſerve the Acts of this Church in that matter, and particularly, the Act of the Aſſembly, 1649. and are content to have a ſpeciall reſpect to the moſt Judicious and Godly in that matter, though not to prejudge others of their priviledge.

12. They make it another obſtruction to Union, that there is no remedy provided for putting out of thoſe Miniſters, Expectants and School-maſters, who, being depoſed, have intruded themſelves, or are reponed again ſince our Differences, *pag.* 90, 91. *Anſw.* And yet, were all they ſay of them true (which hath been ſpoken to before) they are not ſo many, as to cauſe men keep up a Rent becauſe of them: And withall, it was offered in the Conference for Union, that ſince a Generall Aſſembly did not meet, an account ſhould be given of theſe matters by thoſe who had acted therein, to Correſpondents of neighbouring Synods or Presbyteries *reſpectivè*: who, if they find any thing done amiſs by theſe Synods and Presbyteries, they ſhall labour with them to rectifie the ſame. As alſo that we ſhall do our endeavours that Intruders be cenſured and removed.

13. They complain alſo, that nothing is offered about the way of calling a General Aſſembly, the electing of Commiſſioners thereto, and handling of matters therein, *pag.* 91. *Anſw.* And are not here Prelimitations enow ſought to be upon a future General Aſſembly? ſeing they are not content that we promiſed to follow the ordinary Rules in theſe matters, obſerved before our Differences, and are content

tent it be ſo called by a meeting of Correſpondents, as may not involve them in the approbation of the two laſt Aſſemblies. The truth is, theſe things do juſtly ſtumble us, that they have raiſed ſuch a confuſion about alleaged Prelimitations in the election of Members of the two late Aſſemblies (which in effect were not) and yet will not hear of another Aſſembly (if God grant the opportunity) without both Prelimitations and Preingagements, as to the way of Elections and handling of matters in it.

14. They are pleaſed to alleage further, (*pag.* 91.) That it is an impediment to Union, that no mutual evidence and aſſurance is given in matters concerning our Doctrine, Worſhip, Diſcipline and Government, and the enemies of Truth and Godlineſſe, and the work of Reformation, for adhering to theſe Articles of our Covenants, our Engagement, and Acts of uncontroverted Aſſemblies relating thereunto, in the literall and genuine ſenſe and meaning thereof, as they deſired in the Conference. *Anſw.* But if by what they foiſt-in here (beſide what was propounded in that Conference, as they ſet it down, *pag.* 40.) they mean we ſhould engage to condemn the Publick Reſolutions, as Contrary to our Covenants, Engagements, or Acts of Aſſemblies, we think they will not ſoon obtain that. But as to the matter of our adherence to the Doctrine, Worſhip, Diſcipline and Government of this Kirk, to which we are tied by Covenants and Engagements, and was the thing required in the Conference; Such ſatisfaction hath been offered therein, in the Conference, according to their explication of their own deſire, as we wonder with what confidence they call it (as they do, *pag.* 40.) *a ſhy anſwer*; Or, how they can expect that the world, who knoweth them and us, will believe that they are the men adhering to theſe things and the principles of this Kirk concerning them, while we are giving cauſe of jealouſie that we do not, or will not ſtand firm.

15. They would make the world believe we impoſe upon their judgments in the matter of their Proteſtations, *pag.* 91, 92, 93. When yet we neither bid them renounce them, nor acknowledge the lawfulneſs of the Aſſemblies againſt which they were. Only we deſired they ſhould not in any Judicatory of this Kirk make uſe thereof to call in queſtion and annul the Conſtitution and Authority of theſe Aſſemblies. Withall declaring, that this did not import their paſſing from them as ſtanding Teſtimonies of their judgment, nor hinder

hinder them to make uſe thereof as a legal defence, if the Conſtitution and Acts of theſe Aſſemblies were urged againſt them: Yea, nor to make uſe of them in ſo far as they related to the Publick Reſolutions, if they think fit to offer their Reaſons againſt them in an Aſſembly, though we judge they would ſuccumb in that cauſe. Is not this far from impoſing on their judgments in this matter? To make this Aſſertion out (beſide their conſtant clamour againſt Subordination, which is to be conſidered in due time) they offer, 1. That this were a paſſing from theſe Proteſtations as a remedy againſt the corrupt conſtitution of theſe two Aſſemblies. *Anſw.* And do they not by our conceſſion ſtand as a teſtimony of their judgment againſt them? And what other remedy would they have, unleſs to draw us to condemn theſe Aſſemblies? 2. That it ſhould make way for the future Conſtitution and Authority of theſe two Aſſemblies. *Anſ.* If they mean the Conſtitution of future Aſſemblies as theſe were, to this (whatever our own judgments be) there is a ſufficient remedy provided in our Offers concerning the future Conſtitution of Aſſemblies above mentioned: If they mean the future approbation of the Conſtitution and Authority of theſe Aſſemblies in a ſubſequent Aſſembly, It is alſo provided that they are free to make uſe of their Proteſtations as a legal defence, if any ſuch thing be urged againſt them. 3. That it is unequall to ſubmit theſe things to a Generall Aſſembly where we will be the plurality, and are many wayes engaged for the Reſolutions which are contrary to the Covenant, and Acts and Declarations of uncontroverted Aſſemblies? *Anſw.* That theſe Reſolutions are contrary to the Covenant, &c. is oftener ſaid than proven; and though they ſay it hath been *already declared*, yet we have not ſeen it *proven*, nor (we believe) any body elſe. But this is plain language, that they will refer nothing to a Church-judicatory, either where we are the plurality, or are engaged for the Reſolutions, and is not this an impoſing on our judgments ere there be an Union? And is it not fine language for a party, becauſe their Mother-church is not of their judgment, in what ſhe believeth and is able to prove to be an errour, therefore they will ſubmit nothing to her Determination? When Prelats excepted this againſt the General Aſſembly, 1638. they had their Anſwer, and we believe they would not bear this of us, were they the plurality; Nor did it reliſh from the Remonſtrants at the Synod of *Dort*. Nay,

upon

upon this account, it is impoſſible for any Church ever to compoſe a difference, unleſs they will cede to every party that pleaſeth to contradict them. And yet we muſt adde, that all this is an unjuſt clamour, as to the matter of Union, ſeing (as hath been often told) all rational ſatisfaction and ſecurity is offered that they ſhall not be troubled with thoſe bygone Queſtions.

16. They ſhut-up their thoughts in theſe things, with a ſad reflection, pag. 93, 94. *That it ſmelleth rankly of a carnall politick ſpirit, to half and divide the things of God for making peace among men*; though we do not come up to our own profeſſions in that matter, of offering equal conditions. *Anſw.* This we do very eaſily underſtand, by what they give out of our condeſcenſions among their followers, That we are men who do not adhere to theſe things out of conſcience, otherwiſe we would not concede ſo much. We leave ſo rigid a frame of ſpirit before Him who knoweth what we are put to ſuffer, in deſiring to heal the breaches of a ſinking Church. And as none but men of *Donatus's* temper will judge it an halfing of the things of God, to lay aſide debates concerning things removed out of our way, and to forbear the execution of ſome Acts of Diſcipline, if thereby we may bind-up the breaches of a bleeding Church: So, this giveth us a compendious account of all this debate about Union, *viz.* That they will neither halve nor abate an ace of theſe things they hold, for peaces ſake. And indeed upon a ſerious review of all their Overtures, however to allure us to quit the way of adminiſtring the affairs of Chriſt by His own Courts, they will allow us an equal number in their extrajudicial Committees, whereas now we are granted to be the plurality, and however they have of late not acted in the capacity of a Commiſſion, 1650. upon the reaſons formerly mentioned; though we have no aſſurance how ſoon they may uſurp it again, if they find it may ſerve their turn: Yet it will be found, they never recede a jot, not only from their judgments, but even from any of their actings in reference to the Reſolutions and their Proteſtations. And ſo we leave the caſe of this poor Church in His hands, who knoweth how to prove a Phyſician to her.

Having now gone through theſe toilſome paſſages, which cannot but be unpleaſant to judicious Readers, as it hath been indeed to us, to dwell ſo much on ſtories and bitter reflections. We proceed,

in

in the laſt place, to take a view of their judgement in a very materiall Queſtion, concerning Subordination to Judicatories, and Submiſſion to the Sentences thereof; wherewith, from the very title to the cloſe, they ſtuffe this Pamphlet, and do more largely inſiſt on it, both in their vindicating themſelves from the charge of their ſmall reſpect to the Government, *pag.* 40, to 61. and do diſpute it as a reaſon why they will not accept the Overtures of Union, ſeing Subordination is required in them, *pag.* 94. to the end. In this debate they do not only argue againſt the thing it ſelf, but do expreſs their prejudices againſt us, becauſe of our urging Subordination in the Conference for Union with them. They tell us, *pag.* 10. that *there could not have been a more unhappy aſſertion concerning the Government of the Kirk fallen upon and publiſhed in theſe times*, and that both in order to the peace we pretended (as they are pleaſed in their charity to ſpeak of us) and becauſe of the bad uſe prelaticall men and Independents may make of it. And, *pag.* 41. They put us in mind of what return they gave to that Overture in the Conference, *viz.* that *they conceived it inexpedient to ſtart and debate ſuch Queſtions at that time, &c.* But as we concur with them in aſſerting the inexpediency (to ſay no more) of bringing that into *debate*, which formerly had been held as a foundation in the Government of this Church; And we ſhall (God willing) conſider in its own place, whether their be any (far leſſe a ſuperlative) *unhappineſſe* in our *aſſertion* upon this Queſtion: So our propounding of that matter of Subordination to them (not as a ball of contention, but) as an overture and mean of ſolid Union, was moſt rational and ſeaſonable. For, ſeveral of their judgment having, by their irregular practices, counteractings, and not ſubmitting to the Sentences of their reſpective Judicatories, overturned that *baſis* of Government, and opened a door to licentiouſneſſe and diſorder, We rationally conceived, that no agreement in other matters of our differences could make a ſolid and laſting Union, ſo long as that back-door were left open to them, at which they might run-out again at their pleaſure, and until both we and they (as was offered in the Conference) ſhould give aſſurance in that matter. And now others may find, as well as we, that their new doctrine here publiſhed, doth more than vindicate us in this particular, and pleadeth for the neceſſity of our propounding that Overture to them. We have often read the Writings

of Presbyterians, pleading for Subordination and Submission of Congregations and their Elderships to superior Judicatories, against the Independents; But this is the first, (except what hath dropt from Mr. *Rutherfurds* pen in his late Preface) and we hope shall be the last, that is found to be written by professed Presbyterians, pleading against Subordination to Judicatories of Christs own Institution, in any Church where this Government is set up. We do not read of any (Remonstrants at *Dort* or others) who have ever refused or declined it in the Reformed Churches abroad, but their name is unsavoury; nor know we of any, save one, since the Prelats time in this Church, who ever essayed it, till our late Differences, wherein some of our Brethren have brought it in fashion, and now have published their doctrine of it to the world in print. Had this principle been but started some years before, when severall Ministers were deposed for simple silence in the matter of the Engagement, and for other the like causes, what would these Disputers have judged of it? Certainly they would have been with the first to excommunicate such stubborn children; And yet these men might as soon have said the Sentences were then unjust, as they take upon them to say it now. This is the true rise of all this dispute, that these men being but too apprehensive of an imagined hazard, if they should submit, have but little considered the evils of Non-submission, That their refusing to do it, reproacheth our Church in the view of all her adversaries, and their doctrine about it, opens the door to a few Hereticks to continue themselves in a capacity to infect a whole Church, let the Judicatories do what they will, if so be these Hereticks count their Sentences to be unjust. *Beza* (*Epist.* 1.) taketh notice of it as a special proof of Gods kindness to the Church of *France* and *Geneva*, that no opposition of Adversaries had shaken loose their Church-discipline, no not in times of confusion and war. But, were he now alive, and among us, he would find that loose times had ministred opportunity, even to pretended friends, to make great breaches in that hedge; which, being once broken-down, doth expose all the precious Interests of Christ to manifest hazard, as there, and frequently elsewhere he inculcats. Were King *James* now alive, and found this principle and practice in fashion, he would soon revoke his former testimony, That Presbyterial Government was the most invincible Bulwark against errour, for now a breach is made in this Bulwark.

Our

Our first Reformers, who, in the Second Book of Discipline, *ch.* 7. *pag.* 81. do reckon *Schism and Rebellion against the Kirk* among these evils which do deserve Deposition (which also is the judgment of the Churches of the Low-countries, *Harm. Synod. Belg. Sive Canones Regim. Eccles. &c. per* S. R. *Cap.* 14. *Art.* 14. and of all Reformed Churches we know) might now wonder, were they alive, to find Rebellion against the Churches Sentences owned by these men who pretend to adhere so closely to their principles. Worthy Mr. *Henderson* of precious memory, might likewise revoke his Testimony given to the Government of the Church of *Scotland* upon this very account of Subordination, in that Treatise printed *Anno* 1641. *Of the Government and Order of the Church of* Scotland, *pag.* 60, 61. Yea, this principle and practice is inconsistent with any Government Civil or Ecclesiastical under Heaven. For the very light of nature holdeth forth the inconsistencie of Government with the want of Subjection: For where Subjection is not, there must either be Anarchy and Confusion, and every man become his own supream Judge, or else the Non-submitters must turn-out their Governours to set up themselves: And so, by parity of reason, where inferiour Judicatories are not in subjection to the superiour.

But before we enter upon their dispute in this matter, we will first premit some generall Considerations of the business, which may somewhat prepare our way to a more particular handling of the Question; And,

I. It is to be considered, that the Overture given in by us to them in our Conference [viz. *That all the Members of this Kirk, Ministers and People shall submit themselves to their Presbyteries and Synods* respective: *And if any be grieved with the Determination of a Presbyterie, they may appeal to the Synods: And if any be grieved with the Determination of a Synod, they may appeal to a General Assembly: But that in the mean time, the Sentences of Presbyteries and Synods are to be acquiesced unto, untill the Determination of the respective superiour Judicatories thereupon*] doth not only hold out the constant practice of this Church, but is the very thing wherein the Learned before us do hold the being of Presbyterial Government to consist; and which they presse as the duty of all who live under that Government. This might be confirmed by many instances of particular Divines writing on this subject. Such

as *Beza* in divers of his Epiſtles, which come afterward to be ſpoken unto. Alſo *Zepperus*, *De Polit. Eccleſ. Lib.* 3. *cap.* 6. where he aſſerteth, That no man, though he think he have juſt cauſes, ought to alter any thing of eſtabliſhed Order, before the Determination of a Synod. Likewiſe Mr. *Edwards* of late, who in his *Antapologia*, *pag.* 153, 154. putteth this as the main difference betwixt Subordination in the Claſſical Government, and that which Independents profeſs to be due unto Synods by particular Congregations, That in the firſt there is *ſuch Subordination and dependance, ſuch ſtated and fixed meetings; that if men ſhould eſcape one, they do not eſcape all.* But in the other, they only ſubmit to hearing and counſel upon it, but not to determinations, unleſs it like them: In the one, *they are bound and muſt do*, in the other *they may do or not do.* The whole paſſage is worth the Readers peruſal in the Author himſelf: But we ſhall paſſe theſe and many others, and at this time ſhall content our ſelves with two Teſtimonies, which may be in ſtead of many. One is, that of the Reformed Church of *France*, who in their *Eccleſiaſtick Diſcipline*, printed in French, do not only urge the keeping up of Eccleſiaſtick Aſſemblies, *as the bonds and props of their union and concord againſt Schiſms, Hereſies, and all other inconvenients*, *Chap* 6. *Art.* 5. But, *Chap.* 5. *Art.* 28. where (as may be ſeen at length in the Article it ſelf) ſpeaking of referring debates, betwixt any of the People and inferiour Judicatories, to a ſuperiour Aſſembly, they do expreſly provide, That the inferiour Judicatory, who refer that matter, *do firſt cauſe the Contradicters to make promiſes, expreſſe and upon record, that they ſhall not in any manner of way whatſoever, ſow any thing of their opinions, but wait for the meeting of the ſuperiour Judicatories, under pain of being cenſured as Schiſmaticks. And if they refuſe to make theſe promiſes, they ſhall be cenſured as Rebels, according to the Diſcipline.* And, *Art.* 29. they determine, *That a Paſtor or Elder, breaking the Unity of the Church, and refuſing to ſubmit to that which the Colloque hath determined, ſhall be ſuſpended from his Charge, to be further proceeded with at the Provincial or National Synod.* As this teſtimonie is moſt clear for the Submiſſion pleaded-for; So, the next is no leſſe evident, which is that of the learned *Cartwright* and other Presbyterians in Queen *Elizabeths* dayes, who in their ſubſcribed Book of Diſcipline (as not only it is cited by *Bancroft* in his *Survey*

of

of the pretended Holy Diſcipline, chap. 26. pag. 305. but printed it ſelf, *Anno*, 1644. according to the Copie found in Mr. *Cartwrights* own Study, in the Head of the Aſſemblies of the Church, *Sect.* laſt) having granted liberty (unleſs it be a plain act, and manifeſt to all) to parties who think themſelves injured by a leſſer meeting, or Judicatory, to appeal to a greater, till they come to a generall Council, ſo that they aſcend orderly from the leſſer to the next greater: They expreſly add, *But it is to be underſtood, that the Sentence of the Aſſemblies is to be holden firm, untill it be otherwiſe judged by an Aſſembly of greater Authority* Here is our very Overture in ſubſtance, and almoſt *in terminis*, which vindicateth us from any Novelty, or receding from the received principles of Presbyteriall Government in this matter. It will be to little purpoſe for them to bring in their *Præcognitum*, or *Præſuppoſitum* here, of which they make uſe to elude all the Acts of our Aſſemblies in this matter, *pag.* 52, 53. And to ſay theſe Divines meant of *juſt* Sentences, which (ſay they) is a thing preſuppoſed of all theſe who require obedience to Laws, that they mean of juſt Laws: For if they had meant only of juſt Sentences, they had ordained them ſimply to hold them firm, without giving liberty of appealing from them; Yea, the very liberty of appeals (for they do not allow liberty of an appeal, *if it be a plain Act, and manifeſt to all* that the Sentence is juſt) and the ſuppoſition of the matters being *otherwiſe judged* by an higher Aſſembly, doth preſuppoſe a poſſibility of the injuſtice of the Sentences, and the Appellants deed of appeal proves that he actually judgeth it to be ſo, and yet they appoint the Sentence to be holden firm till it be diſcuſſed and judged.

II. As our Overture is agreeable to the ancient principles of Presbyterian Government, held forth by the Learned abroad: So we declared alſo that in this we required no other Submiſſion, than what hath not only been the conſtant practice of this Church, till our differences, but eſtabliſhed alſo by Acts of Aſſemblies: So that we required no new thing, but what this Church had been in poſſeſſion of by practice and Law. As for the practice, themſelves deny it not, (only we muſt except one, of whom we will ſpeak afterward) And as for the Acts of Generall Aſſemblies, The firſt time they had occaſion to give a dogmatick determination in this point, was in the Aſſembly, 1647. where, the ſeventh head of Doctrine

ctrine they approve in the CXI. Propoſitions tendered to their conſideration, is, *That the leſſer and inferiour Eccleſiaſtick Aſſemblies ought to be ſubordinate and ſubject unto the greater and ſuperiour Aſſemblies.* Which how far it ought to have place in the matter of Submiſſion to Sentences, in the judgement of this Kirk, is manifeſt (notwithſtanding their gloſſes on this Act) from the judgment of the next Aſſembly, *Anno* 1648. *Arg.* 5. *Seſſ.* 30. Where it is expreſly ordered, *That whoſoever, after the Sentence of Depoſition pronounced againſt them, do either exerciſe any part of the Miniſterial Calling in the places they formerly ſerved in, or elſewhere, or do poſſeſs, meddle, or intromet with the Stipend—— they ſhall be proceeded againſt with Excommunication. And if any ſuſpended Miniſter, during his Suſpenſion, either exerciſe any part of the Miniſterial Calling, or intromet with the Stipend, that he be depoſed: and after Depoſition, continuing in either of theſe faults, that he be proceſſed with Excommunication.* Theſe are ſo clear teſtimonies of the judgment of this Kirk, that we think it ſtrange any ſhould deny it. But theſe *Witneſſes* think to elide all theſe teſtimonies, by ſaying, that the Submiſſion formerly practiſed in this Church, was to juſt Sentences, and conſequently due to them, and that it will be time for them to bring inſtances of Non-ſubmiſſion and counteracting, when we bring inſtances of unjuſt Sentences then pronounced, So *pag.* 56. and, that theſe Acts, (as alſo Miniſters engagements to be ſubject to the Church-judicatories at their entry) are to be underſtood only of Submiſſion to lawfull and juſt Sentences, which is to be underſtood as a *Preſuppoſitum*, or *Præcognitum*, of all thoſe who require obedience to Laws, though it be not expreſſed. So *pag.* 52, 53, 56, 57, 59, 60. We are not yet entred upon the debate with them, but ſhall refer it till afterward: nor ſhall we inſiſt to ſhew that, as to the practice of this Kirk, themſelves know that many did think their Sentences unjuſt (elſe they would not ſo oft tell us that ſome of them have not yet confeſſed all the particulars in their Sentence) who yet ſubmitted to loſe their Miniſtery, rather than to diſturb the quiet of a well Reformed Church, and open a door to all confuſion. We might alſo tell them, that whatever we may ſuppoſe of the injuſtice of a Sentence in the following debate, yet we are confident, they will never be able to make-out the injuſtice of any Sentence hitherto pronounced

nounced, as a juſt cauſe for them to ſtart this debate, unleſſe themſelves be both Judge and Party. But to leave this to its own place, let us ſee the judgment of this Church, even of Submiſſion to ſome unjuſt Sentences. God did indeed ſo ſingularly bleſſe this Church formerly, with unity and mutuall Submiſſion, that it is a wonder there was ever occaſion to ſpeak any thing diſtinctly to this caſe: Yet providence would have one inſtance of it for clearing the mind of this Church concerning ſuch after-debates as theſe. And that was the caſe of Mr. *James Moriſon* and the Presbytery of *Kirkwall*, which was determined in the Aſſembly, 1646. This caſe theſe *Witneſſes* do very boldly read without Book, as to what is in Queſtion, *pag.* 53,54. which we ſhall help from the very Act of the Aſſembly. The caſe was this, Mr. *James Moriſon* (as they truly report that part) being Suſpended by his Presbytery, did appeal to the Generall Aſſembly, and go on in his Miniſteriall function: for which the Presbyterie did depoſe him, yet he adhering to his appeal, went on and preached. The matter coming before the Aſſembly, they *find that the Presbytery of* Kirkwall *hath not upon ſufficient grounds ſuſpended the ſaid Mr.* James Moriſon: *And yet that the ſaid Mr.* James *was contumacious, in that he did not give obedience to the Presbytery, in forbearing to preach during the time of his Suſpenſion, or untill the matter ſhould be tried by the Aſſembly to whom he had appealed; As alſo in preaching after his Depoſition: Therefore for the preſent* (referring the further triall of all particulars concerning his Suſpenſion and Depoſition, with the finall deciſion thereof, to a Commiſſion; ſeing themſelves had not received ſufficient Information, ſo as to give full and finall determination therein) *the Aſſembly thinks the Preſbyterie deſerves rebuke for the ſaid ſuſpenſion, and deſires Mr.* Walter Stuart (their Commiſſioner at the Aſſembly) *to give notice to them hereof: and ſicklike, that the ſaid Mr.* James *deſerveth a very ſharp rebuke for his contempt and diſobedience aforeſaid: and that the Moderator accordingly reprehend him ſharply in face of the Aſſembly, and ordains him to humble himſelfe to his Presbytery, and acknowledge humbly before them his offence aforeſaid, and his ſorrow for the ſame. And in the mean time* (till the Commiſſion abovementioned try and give a finall deciſion in the matter) *repones the ſaid Mr.* James *againſt the Sentences both of Suſpenſion and Depoſition,*

and

and to the full exerciſe and benefit of his Miniſtery, ſicklike as if they had never been pronounced. And ordains the ſaid Presbytery ſo ſoon as the ſaid Mr. James *ſhall in all humility acknowledge his fault, to accept of him as a Miniſter and Brother of their number, and to poſſeſſe him again in the exerciſe of his Miniſtery.* This account expreſſed in the very formall words of the Act, as it ſheweth how bold theſe men are, before they want an anſwer, to ſay any thing: ſo it holdeth out ſeverall true principles of this Church point-blank oppoſite to the Dictates in this Pamphlet. 1. A Sentence is not only judged by the Party, but found by the Aſſembly to be unjuſt, as wanting *ſufficient grounds*, and for the inflicting whereof, the Presbytery deſerve rebuke, and are rebuked accordingly, and the Aſſembly takes it off; And yet the party ſo cenſured is declared *contumacious*, for Non-ſubmiſſion, thereunto, but counter-acting, and that he deſerveth *a very ſharp rebuke for his contempt and diſobedience*, and is accordingly *reprehended ſharply in face of the Aſſembly*, and is ordained to humble himſelf before his Presbyterie and acknowledge that offence and his ſorrow for the ſame, before they accept of him, or repoſſeſſe him in the exerciſe of his Miniſtery. 2. In their judgement, an appeal, (though it keep a door open for the judiciall hearing of a cauſe again; yet) doth not warrant an Appellant not to ſubmit to the Sentence of a Judicatory, but to go on enjoying his former priviledges taken from him by that Sentence: for he is declared *contumacious*, *&c.* as aforeſaid, for not giving obedience to the Sentence, in forbearing to Preach, *untill the matter ſhould be tried by the Aſſembly*, *unto whom he had appealed*, And upon the ſame account, for preaching after his Depoſition. 3. We find the Preſbytery judged to deſerve rebuke for the Sentence of Suſpenſion; but not at all charged for Depoſing him for his Non-ſubmiſſion to the Sentence of Suſpenſion: Which in a judiciall Sentence cognoſcing upon their whole proceedings, importeth an approbation thereof, as juſt, though it was needleſſe formally to ratifie it: ſeing both Sentences were preſently to be taken off, the Suſpenſion, becauſe pronounced not upon ſufficient grounds, and the Depoſition, upon his humbling himſelf to the Aſſemblies rebuke, and his readineſſe to humble himſelf to his Presbytery for his contumacie, which was the ground of the Sentence. Theſe and the like principles, as they

they evidence this Church to have been far from allowing Judicatories to do things, *pro arbitrio & imperio*, (as this Pamphlet often aſperſeth this opinion) ſo alſo to have been as far from allowing men, becauſe they ſuffered ſomewhat unjuſtly, to overturn the very foundations of Order and Government.

III. Whereas theſe principles of this Church, are branded by theſe *Witneſſes*, as giving great advantage to Prelats and Independents, and favouring of Popery and Tyranny: they do bewray what their reſpect to their Mother is, in borrowing the dirt out of her adverſaries hands, to throw it upon her themſelves. To this purpoſe they tell us, (with reflection tart enough.) *pag.* 10. That this aſſertion will more than probably make men of a Prelaticall ſpirit take hold of it, and preſſe it on, to re-introduce their way, and that Independents will make uſe of it to render Presbyteriall Government hatefull. And as to the imputation of Popiſh-tyrany, their very Title importeth, that they hold ſuch a *Presbyterie* to be a *Papacy*. And, *pag.* 45. they inſinuate that this Doctrine might juſtifie Mr. *Sterry's* raving compariſons betwixt *the Northern Preſbyterie* and *Roman Papacy*. Yea, *pag.* 47. when this Subordination is urged as a mean to continue unity and order in the Kirk, without which it cannot be long kept; They tell us, that this is the very argument and language of the Advocats of the Sea of *Rome*, and the thing that ſet up the Man of Sin to ſit in the Temple of God, as God, &c. So, *pag.* 112. *arg.* 14. They call it a Tenet purely Popiſh and Antichriſtian, and cite a ſentence of *Duvallius* concerning the duty of an Excommunicate man, albeit innocent, to abſtain from holy things. And, *pag.* 111. *arg.* 13. They urge the Canon of Prelates ordaining Non-ſubmitters to the Sentences of Suſpenſion or Depoſition, to be Excommunicate. And generally throughout this Pamphlet, they traduce it as an abſolute, arbitrary, unlimitted Submiſſion that is required, and a tyrannicall Impoſition. Of all which it concerns them to ſee how they (if they be kindly children) will clear the Doctrine of their Mother-church above expreſſed. But to give a more particular anſwer (ſo far as is neceſſary at this time) to theſe things. 1. It is indeed too true, and ſadly felt, that the ſchiſmaticall and turbulent carriage of ſuch as the Authors of this Pamphlet hath given but too great advantage to all the enemies of truth, and of Presbyteriall Government in particular;

while Popiſh Seminarie Prieſts take advantage to perſwade people to the obedience of *Rome*, ſince we cannot agree among our ſelves; while prelates and their faction have occaſion to boaſt, that ſhortly after they were outed, we run all into confuſion; and while Independents ſee no ſuch beauty, unity, and order, in a National Church, as was given out to be under Presbyteriall Government; and while they hear them traduce one of the beſt Reformed Churches, as corrupt both in the generality of her Church-members and Miniſters. But that this aſſertion can be a ſtumbling to any, is to us incredible. For, (2.) If we look upon all Governments, Civil or Eccleſiaſticall, under heaven, albeit there be different judgements concerning the ſubject of the Authority (as in a State, whether the Government ſhould be Democraticall, and the Authority in the body of the People, or Ariſtocraticall, in the Nobles, and better part, or Monarchicall in one perſon, or mixed and made up of two or all of theſe. So in a Church, whether the Authority ſhould be in a Congregation, or Congregationall Elderſhip, in Presbyteries and Synods, in Biſhops, or Popes of *Rome*?) Yet all agree that Subordination and Submiſſion is due to the Authority, in their perſons whom they hold ought to be inveſted with it. And particularly, as for Independents, we aſſert with Mr. *Rutherfurd* (*Peac. Plea, pag.* 246.) that we require no other ſubjection than they do; *For they make ten to be ſubject to five hundreth in an Independent Congregation.* In ſo much that either theſe ten muſt ſubmit to the determinations of the reſt (let them judge them never ſo ſinfull) if they cannot perſwade the reſt to be of their mind, or elſe they muſt reſolve to be caſt out by Excommunication, or to go out and renounce communion with that Society, and make up a Church of their own; But abiding in that Society, the Submiſſion is unavoidable. So Mr. *George Gilleſpie* in the *Aſſert. of the Govern. of the Church of Scotland, part.* 2. *chap.* 4. *pag.* 152, 153. in anſwer to that Objection [That it is contrary to Chriſtian liberty, and the uſe of the private judgement of diſcretion, to inflict Cenſures upon any who profeſſe that, after examination of the decrees, they cannot be perſwaded of the lawfulneſſe of the ſame] among other things, ſaith, *This Objection doth militat no leſs againſt Eccleſiaſticall Cenſures in a particular Congregation, than in a National Synod, And they who do at all approve of Church Cenſures to be inflicted upon*

upon the contemptuous and obſtinate, ſhall put in our mouthes an Anſwer to Objections of this kind. Yea, our Writers againſt the Independents, and particularly the Aſſembly of Divines in their *Anſwer to the Reaſons of the Diſſenting Brethren*, pag. 253, 254, 255. follow the charge ſo home, that the charge of Tyranny, or Injurious Independency, laid by Independents at the door of National Aſſemblies, where there is not the remedy of a General Council, is moſt juſtly retorted upon themſelves, who take upon them to inflict the higheſt Cenſure of Excommunication, without any remedy under Heaven to any grieved perſon, it not being reverſible by any on Earth but by themſelves. Whereas in this Government, after a grieved perſon hath followed-up his Appeal even to a National Aſſembly, there is yet a further poſſible help by a well conſtituted Oecumenical Aſſembly, if it may be had. By all all which it appears, that Independents need not take advantage of this Aſſertion, though we and they differ about the Subject inveſted with the Authority. The words ſubjoyned by theſe Reverend Divines, *pag.* 255. are worthy to be marked to our purpoſe: But (ſay they) *If a perſon conceiving himſelf to be injured in a National Aſſembly, cannot obtain redreſs either from another ſucceeding National Aſſembly, or from a ſuperiour Aſſembly, he muſt commit his cauſe to God,* (as having indeed exonered his own Conſcience, and purſued a remedy in the uſe of all lawfull means) *And ſo muſt he that may conceive himſelf wronged by Claſſical or Provincial Aſſemblies, if he cannot have the opportunity of appealing further: in like manner, as he that thinketh himſelf civilly injured by the Parliament or Supream Power in a State, and hath no other way to obtain redreſs.* As theſe are expreſſions beſeeming the piety, wiſdom and moderation of men of God, lovers of true Order and Government in Chriſts Houſe: So they clearly homologate the opinion of the worthy Presbyterians in *England* before them, and the judgement of this Church, expreſſed in the former Articles; and do fully evince, that in their judgment, a party, though conceiving himſelf injured, (and poſſibly, really injured, as is ſuppoſed in his liberty of appealing, as was cleared before) ought yet to ſubmit to the Sentence, not only till his Appeal be diſcuſſed, but after alſo, if his Appeal be decided againſt him, even as privat men do ſubmit to injuries from the Supream Power in a State. To which

purpoſe alſo we have the teſtimony of Mr. *Henderſon* in his *Government and Order of the Church of* Scotland, *pag.* 34, 35. where (agreeable to the Doctrine of ancient Presbyterians) he aſſerteth it lawfull for a perſon wronged by an inferiour Aſſembly, to ſeek relief of the greater, *providing it be done in an humble and peaceable way.* So alſo *Beza, Epiſt.* 68. *One may appeal, if he do it without tumult and publick ſcandal.* 3. As to the imputation of Popery and Prelacy caſt upon us in this, They are not ignorant that many before them have charged this on Presbyterial Government, and have been as often anſwered: Had they conſulted with what our Divines ſay in this matter, and among the reſt, with Mr. *Rutherfurd*, in the place before cited, (*Peac. Plea, pag.* 246.) concerning the many differences betwixt our, and the Popiſh and Prelatical Synods; they might have forborn all this obloquy. In the mean time, they know we not only differ from them concerning the ſubject inveſted with Eccleſiaſticall Authority, but in many other weighty circumſtances as to the manner of Adminiſtration, to be cleared hereafter: Though yet all Governments do agree in ſome common principles and rules, among which this Submiſſion for which we plead, is one. This will evidently appear (to go no further) if we will but compare that Act of the Aſſembly, 1648. above repeated, with this very Canon of the Prelats, which they bring in to prove our Opinion Prelatical, *pag.* 111. for, the Aſſembly judgeth the common principle of Submiſſion, to be a ſound Maxime of Government in a true Church, (though they condemned the power of Prelats, and their ſentencing men for not corrupting of Worſhip and Government) and therefore do expreſſe the ſubſtance of that Canon in their Act, as fit to be obſerved in Presbyterial Government. Yea, and without mentioning that they muſt be *lawfull* Sentences (whereof theſe *Witneſſes* make ſo much noiſe that it is to be underſtood) which yet is expreſſed in that Canon. And as to that of *Duvalius*, which we believe is a Maxime of their Canon-law, (as the Schoolmen do generally diſpute that Head of Excommunication and other Cenſures out of the Canon-law) Albeit we leave his conſequences to himſelf, hoping to make ſome other thing appear out of our opinion; and albeit we diſclaim his Pope and Church too, (whether alleaged to act as Chriſts Inſtrument, or not) as no Church-ruler, or Judicatory inveſted with power from Chriſt,

Christ, and consequently not to be submitted unto: Yet we know some of these *Witnesses* are not so ignorant as to reject all their Maxims of Government, being exercised by a true and orthodox Church. Otherwise, they may as well reject the Baptism of Infants, all Deposition of Ministers, Excommunication of Members, and innumerable other things, as matters purely Popish and Antichristian, because (forsooth) they are observed in the Romish Church. We know that methods observed in Appeals, Processes, and the like Ecclesiasticall Procedures in Assemblies, are not rejected as tenets purely Popish, because recorded in their Canon-law, and practised in their Courts; they being in themselves agreeable to sound reason and the light of nature: As this Maxim also is, of Submission even to some unjust Sentence, when it is pronounced in a rightly constituted Church, sound and orthodox in Doctrine, Worship and Government, and only mistaking in this or the like particular case, in applying Rules to persons and cases. And albeit Protestant Divines do dispute against that particular *Hypothesis*, that the Pope's Sentence is to be obeyed, because the Pope hath (in their judgement, and that according to truth) no power, and would have them cast out of all Church-society, and submitting thereunto, because they forsake him and his errours and idolatries: Yet they never dispute that Question in *Thesi*, that in a true Reformed Church, as is above described, Submission is not due.

Having premitted these Considerations, and being to fall about a more particular discussion of the Question; We cannot but in the entry complain, That upon the Overture propounded in the Conference about this matter, they have not only all along given this sense of the Controversie, that it is an *arbitrary, absolute, and an unlimited Submission* to the will and lusts of men, which we crave; and do aver, *pag.* 41. that in the Conference, we did, upon the matter, require an absolute and unlimited Submission: But in their very dispute they give so lax a state of the Question, and do so ramble through all the places of Invention to heap-up Arguments against our Assertion (which yet may be reduced to a very few) as might make the world believe we were not a Reformed Church, but a crew of Papists and Arians, opening the door to all abominations by our opinion, and to the overturning of all Christs precious Interests. Whereas any unbyassed person might perceive, and themselves knew by

by the Conference, and from theſe very Anſwers given to their Queries, upon which they build their Aſſertion, *pag.* 41. that our deſire of Submiſſion was relative to the preſent ſtate of this Church, as it is now, through mercy, ſetled in the matter of Doctrine, Worſhip and Government, and that ſuch a Submiſſion only was deſired, as had been eſtabliſhed, and conſtantly in practice in this Church, till our late Differences; And was required of them (and mutually offered by us) together with an agreement in all matters of difference which might poſſibly miniſter occaſion of jealouſie and diffidence: Yea, the Declaration it ſelf, which here they take to task, ſpeaketh of no other Submiſſion than that *to which they and we were ſolemnly engaged at our Admiſſion to the Miniſtery*, pag. 5. and ſo could not be fairly declined by them: and again, *pag.* 8, 9. there is a Submiſſion required only *according to the lawfull known principles wherein we have walked formerly*; and *pag.* 10. the Submiſſion *conſtantly obſerved in practice, until the times of our late differences.* This their way as it hath been very unhandſom and not fair, ſo it neceſſitateth us to take a new method in clearing this Controverſie, and not to follow them in their diſcourſes and arguments (which almoſt at every ſtep would put us to a repetition of the ſtate of the Queſtion) but to ſum-up the ſtate of the Controverſie, with the difficulties therein, in ſome Articles, where we ſhall, as it may come in, meet with any thing that hath ſinnews in their diſcourſe and reaſonings, which hath not been ſpoken to in the foregoing Conſiderations, and either diſcover the impertinency therof, as to our caſe, or the invalidity thereof to impugn our Aſſertion. And,

I. As to the fountain and rise of this Submiſſion; We do not derive it from, nor do we urge it as a due to any Church-officer or Judicatory, upon the account of their infallibility, and that we muſt receive their Concluſions, as Articles of Faith, or binding the Conſcience, *eo ipſo*, becauſe dictated by them. This, being well conſidered, putteth a vaſt difference betwixt us and the Popiſh principles and way wherewith they ſo often brand us, and may tell them they might well have ſpared their pains in many of theſe things premitted to their Arguments, *pag.* 95, 96, 97. Seing we acknowledge all men to be fallible and liars, to have no priviledge or authority to do wrong, and that their Sentences are *regulæ regulatæ*, and do not oblige the conſcience, ſave in ſo far as they are conform to the Word

Word. And upon the same account, we do heartily subscribe also, to what they cite out of the *Jus Divinum*, written by the Ministers of *London*, and Mr. *Gillespies Assertion*, pag. 116, 117, 118. and out of the CXI. Propositions, *pag.* 56, 57. Though yet we must tell them that these passages relate only to the matter of active obedience, as is clear from the very words of Mr. *Gillespie* in his *Assertion*, citing the Prelates tenet to that effect: and consequently, do not speak to the case of passive submission, which is the matter in debate betwixt us, and for which we hope to give relevant grounds, these principles being all granted.

II. As to the persons or Judicatories to whom this Submission is due; We do not urge Subordination or Submission to any Judge incompetent, or which is not Ecclesiasticall; Nor to any Ecclesiastical Officer or Judicatory that is not of Christs institution: Nor to any corrupt society, calling themselves a Church or Judicatory of Christ, while they are a Synagogue of Satan, standing in opposition to the Doctrine of Christ. But we plead for Subordination and Submission in a true Church, and to Christs own Courts and Officers in her, such as we hold the Church of *Scotland* now constituted to be. For further clearing their mistakes in this matter, we shall branch-out this Assertion in these,

1. We plead not for Submission to an incompetent Judicatorie, or a Judicatory not Ecclesiastical; Upon this account, (among other reasons to be after mentioned) as they might have spared *Amos* his not submitting to *Amaziah*, pag. 100. who was not his Judge, and the Apostles not submitting to the Council at *Jerusalem*, pag. 101. which was no Judge-competent to any Officer of the Church of the New Testament, (there being other Courts appointed for the Government thereof, as they conveened a Synod, for judging of Doctrine and censuring of Offenders, *Act.* 15.) So all their instances of Non-submission of Church-officers, in the matters of their Office, to Civil Authority in the first instance, fall to the ground: For we hope it is agreed that Erastianism is contrary to the Word of God, and condemned in this Church. Though as to this matter we know not what to say of the judgment of these *Witnesses*: For on the one hand, they seem to magnifie *Osianders* observation (though none of the most Orthodox Divines, nor yet the most moderate of his party) concerning the liberty of fleeing to the Magistrate,

ſtrate, *pag.* 58,59. and yet, *pag.* 100. they put Civil and Eccleſiaſtical Authority in one Claſſe, as to the matter of Submiſſion. We are ſure, whatever hath been their practice of application to the Civil Power, it hath not been to preſerve them from perſecution, but that they might obtain power to perſecute. And if they will turn Eraſtians, we can ſay no further, but the more wrongs the worſe, and *omne Schiſma parit Errorem*, as we have too much proof of their many new principles. Though indeed, whatever their pretences be for their own ends, they are known to be alike reſpective both of Civil and Eccleſiaſtical Authority, and that the overturning of either or both is alike to them, before they reach not their ends.

2. We plead not for Submiſſion to Officers and Judicatories not of Chriſts own inſtitution; ſuch as, not only Popes, but Prelates who drew all things in ſubjection to their Cathedral Church, (as is cleared by Divines diſtinguiſhing betwixt Presbyterial and Epiſcopal Government and Synods) and were no lawful Church-Officers. So that here their arguments conclude not, taken from the practice of Miniſters not ſubmitting to the Sentences of Prelates in this Church, *pag.* 55. For, 1, It is not clear to us that they did not ſubmit to the Cenſures inflicted. We do find the contrary ſuppoſed in the Writings of theſe times, both of one ſide and other, that upon theſe Sentences they were to be put out of their places, as is inſinuated in a Treatiſe publiſhed *anno*, 1620. by an oppoſer of Conformity, bearing the Title of *A Dialogue betwixt Coſmophilus and Theophilus.* As alſo in Mr. *Struthers* Letter to the Earl of *Airth*, in the year 1630. printed 1635. It is true, ſome of them preached after their Sentences; But it is to be remembred that whatever was the after-ſtrictneſſe of Prelats in their Canons, publiſhed *anno* 1636. of which mention is made by theſe *Witneſſes*, *pag.* 111. Yet at their firſt dealling with honeſt men, ſo far as they can remember who ſuffered by them, they did not depoſe them *ſimpliciter* from the Miniſtery, but only depoſed or removed them from their Miniſtery at the Kirk where they ſerved, and from the Benefice: And this they all ſubmitted unto (having by their Proteſtations and Declinators, born teſtimony againſt them as incompetent Judges) though they preached elſewhere. And this is the more probable to us, in that never any of theſe ſufferers were purſued (ſo far as we can remember) with any Cenſure by them for their preaching after the Sentence: and in

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that when ſome of them were permitted to return to their charges, there was not any re-admiſſion of them thereunto, (which had been neceſſary if they had been *ſimpliciter* depoſed) but a ſimple returning to their work. 2. But ſuppoſe they did not ſubmit, and let it be yeelded alſo that their Non-ſubmiſſion was nothing the weaker that the cauſe for which they were Sentenced was unjuſt, as they urge, *pag.* 55, 56. and particularly, that they were Sentenced for not conforming to Popiſh Innovations introduced in the Church, or not acknowledging Prelatical Authority; (which is far from our caſe, as we ſhall after hear) yet they laid the weight of their Non-ſubmiſſion upon their Judges being no Officers appointed by Chriſt to rule His Houſe; which, ſome, if not all, of them witneſſed by their Declinatures in the time of their being Sentenced: For they can bring no inſtance of any one of them Sentenced by Presbyteries only and they not ſubmitting. And however they alleage (*pag.* 55.) that the Prelats did *ſometime aſſociate to themſelves the Miniſtery of thoſe bounds where the ſuppoſed Delinquent ſerved, that is, the Presbyterie whereof he was a member, which was a lawfull Authority*: Yet we cannot learn, that *de facto* they did aſſociat theſe unto them in cenſuring ſuch as did not ſubmit, (whatever was their practice in cenſuring ſome others for groſſe ſcandals) but did proceed in theſe in their *High Commiſſion Court*; Nor do we think theſe *Witneſſes* believe they did aſſociate or call theſe unto them, that they might act authoritatively with them as a Presbyterie, but they did all by their own Authority. 3. Withall, it is to be remarked, that however ſome Miniſters did not give Submiſſion to the Sentences of Prelats in this Church, where Prelacy was but in introducing, and was not fully ſetled, to the diveſting of Presbyteries of their power; Yet the practice of Non-conformiſts in *England*, where that had been the only Government from the beginning of Reformation, was different, where they not only ſubmitted to the unjuſt Sentences of Prelats, yea, of their Commiſſaries and Officials, but being quarrelled therefore by the Browniſts, they wrote a Treatiſe in defence of the Church of *England* and themſelves, (ſince publiſhed by Mr. *Rathband*, *anno* 1644. under the tittle of *A moſt grave and modeſt Confutation of the Browniſts*) wherein they aſſert, That the Church of *England* being a true Church, and Epiſcopall Government the only Church-government eſtabliſhed by Autho-

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rity, though disallowed by them, they held it their duty rather to submit to their unjust Sentences, than to rent the Church; as may be seen throughout the whole Treatise, and especially, *pag.* 39, 40, 41, 42. Some passages whereof, we will have occasion to cite afterward. In the mean time, these principles and practices of theirs may give a sad check to the miscarriage of these *Witnesses* towards Christs own Courts and Officers. To this we shall adde a testimony of *Beza* (no novice in the point of Church-government) in his Epistle directed to some Englishes, who wrote to him for resolution in some matters of Church-government, *Epist.* 12. *Pag.* 105. Where, hoping some other course would be taken with learned and godly men in *England*, by the Queen and others, than that either they should be put to do that which is evil, against their consciences, or be forced to quit their Ministery: He addeth, *Tertium enim illud, &c. For as to that third course* (which it seems they had propounded to him,) *viz. That they should exerce their Ministery against the Queen and Bishops Will, we abhor it yet more, and that for such causes as may be easily understood, though we hold our peace.* Who so will read these Epistles, may find very much to this purpose, and of the necessity of Order, for preservation of Doctrine; particularly, *Epist.* 14. and 24. and 59. and diverse others, wherein he speaketh to our case, as if he were alive and consulted in it, and vindicateth the Government from the aspersion of Tyranny then also cast upon it.

3. While we plead not for Submission to a corrupt Society, calling themselves a Church or Judicatory of Christ, but in a true Church, and to Christs own Courts and Officers; Such as we hold Ministers of the Gospel and Elders, assembled in a Session, Presbyterie, Synod, or National Assembly, to be; They might well have spared all their parallels with the Popish Church, formerly mentioned, which we account *Babylon* and not *Zion*; And that example of *Athanasius*, *pag.* 57, 58. 106. who, though he quarrelled not the constitution of Synods as they were made up of Bishops, yet he saw well enough they were but a company of Arians, not worshipping nor acknowledging the Son of God, and therefore not worthy to be accounted one of His Courts. But of this more afterward; Only as to the matter in hand, we desire it may be remembred how much stresse Protestant Divines lay, in this Question, upon this, that the Churches

Churches are true Churches to which Submiſſion is required. *Beza* writing to a Church-diſturber (*Epiſt.* 5.) rejecteth all his pretences of zeal or love in that matter; affirming, that having acquainted his lawfull Paſtors, or delated the matter, with which he was diſſatisfied, to the Synod, he had ſufficiently exonered himſelfe, as to his duty: *For otherwiſe* (ſaith he) *what can be eſtabliſhed in a Church* (*I ſpeak of* TRUE CHURCHES, *ſuch as we affirm all our Churches through grace to be*) *though never ſo rightly or holily, but the pretence of zeal and love may overturn it?* and cloſeth that diſcourſe with that paſſage of the Apoſtle againſt contentious men, 1 *Cor.* 11. 16. When the Remonſtrants at *Dort* gave in their Declinator againſt that Synod, as a Court they ought not to ſubmit unto; How ſharply did the Divines tax them upon this very account of their declining to ſubmit to a Judicatory conſiſting of Officers of true Reformed Churches, lawfully called and authorized to be a Court of Chriſt? The Synod of *South-Holland*, met at *Delph*, had told them before, that if they would not ſubmit to the judgement, of the Reformed Churches, they could not be acknowledged for Miniſters of the Reformed Churches; As their Judgment recorded in the *Acts of the Synod of Dort*, *pag.* 88, 89. (*Edit. in folio*) doth more fully clear. The Divines of *Haſſia* tell them, that their Declinator did openly proclaim, that they held not themſelves members of theſe Churches, but had gone out and made a ſeparation from them. The Divines of *Geneva*, having anſwered their exception, that Proteſtants refuſed to ſubmit to Popiſh Councils, they preſſe the neceſſity of Order and Submiſſion to Judicatories in true Churches, according to the Rule of Chriſt, *Matth.* 18. 17. And cloſe all with this, That the Remonſtrants adhering to their Declinator, do thereby declare that they renounce Union with the Reformed Churches of the *Nether-lands*: In which caſe, they conceive it is incumbent to the Supream Magiſtrate to conſider what ought to be done. And the Divines of *Breme* look upon their practice as opening a door to all confuſion, as overturning all Church-judgment and authority, to which Chriſt Himſelfe did remit us, and making way for a perpetuall diſturbance of the Church by contentious men.

4. While we aſſert, that in this caſe, we require Submiſſion in a true Church of Chriſt in *Scotland*, and to His own lawfull Courts

and Officers in her (in which case we think Submission is due by all who account them such) we are to consider,

1. That these *Witnesses* have drawn this Question to a further extent than it was at the beginning. For, at first, when four of their number refused Submission to the Sentences of the Assembly at Saint *Andrews* and *Dundee*, the reason given out was, because they had protested against that Assembly as no lawfull Court, nor having any Authority to inflict Censures, and so they were not obliged to submit. But now they make it the question, not only, whether they may refuse Submission to an Assembly which is protested against, and which, (consisting of elected Members out of other Judicatories) may be corrupted by prelimitations upon elections, or otherwise, and so have no lawfull Authority? But, whether submission be due to the standing and ordinary Courts of a Church, how lawfull soever in their Constitution (as consisting of the ordinary Ministers and Elders in such a bounds) if so be their Sentence be wrong upon the matter? which reaches yet a sadder blow to a Church-government, while they stand Courts cloathed with Christs Authority, even themselves being Judges, and yet Submission is denied unto them.

2. That it is a Question worth our inquiry in this matter, whether they do indeed acknowledge the Judicatories of this Church to be lawfull Courts, or whether they do not judge them so corrupt, as upon that very account, they are not to be submitted unto? Their joyning with us in the Judicatories, without any protestation against their Constitution, as corrupt; and their other carriage in reference to our Judicatories, which they mention, *pag.* 13. gave us some ground not to suspect any such thing of them, But now this Pamphlet affords us other thoughts; for, all along they not only decline to joyn in a Generall Assembly as a lawfull Judicatory, where we are the plurality of the constituent Members (who yet are the standing Officers of this Church) So, *pag.* 84,93. and elsewhere it is put as a stop to all Overtures of Union, so long as the execution thereof is put in the hands of Presbyteries and Synods, where we are the pluralitie, and many of us not so fit as we ought to be: So, *pag.* 39,90,93. and frequently in this Pamphlet; yea, it is clear all along, that they lay a great part of the stresse of their Non-submission upon our corruption, as may appear from the places even now cited;

cited; and elſe where they aſſert, that Submiſſion cannot be yeelded, eſpecially there *being, to their ſenſe and apprehenſion, ſo much corruption in the plurality of Presbyteries and Synods, pag.* 42. And they (at leaſt) inſinuate, that we are not Judicatories modelled according to the pattern ſhewed in the mount, *pag.*47. And, *pag.*116. they expreſly aſſert the Church of *Scotland* not to be ſound in the pluralitie of her Judicatories, as not improving the Ordinances of God, but abuſing them to carry on a courſe of defection and perſecution. So that to us it is a great queſtion, Whether (notwithſtanding all their other arguments againſt Submiſſion) the great ſtreſſe lieth not rather here, that we are corrupt Courts? For, as we had occaſion formerly to remark their own aſſertion concerning their Overture for extrajudiciall Committees, *pag.*32,33. *viz.* that if the Church were ſound and peaceable, there were no need of any ſuch Overture, and they would be in that caſe, as far from preſſing it as any; which is in effect (as is clear from the whole tenor of the Pamphlet) that were they the plurality, and had matters in their guiding (as it is uſuall with them ſtill to propoſe ſuch diſtempers in Church and State, and ſuch cauſes of Gods wrath againſt them, as only their being ſet at the helm can remedy) they would admit no ſuch extrajudiciall courſes: So we take hold here of their aſſertion, *pag.*115, 116. *That if the caſe were only of particular perſons, and in things of more private intereſt, and perſonall concernment, and of Judicatories imploying their power to edification, in the current of their actings, they would not much contend about it.* As to their other limitations, here ſet down, we ſhall take them in afterward: But to the matter now in hand, if we underſtand (as we muſt do, if they be ingenuous, and not ſcorning the world, in their aſſertions) *the caſe* here, of this matter of Submiſſion, which they denied to yeeld in the Conference, and now do ſo hotly diſpute againſt, and their *not much contending about it*, to import their ceding and yeelding; then their conceſſion muſt amount to this, That were the Judicatories not corrupt, but employing their power to edification in the current of their actings, then they would ſubmit to their Sentences concerning themſelves, however they might erre in them. And have they not then taken a very ſtrange courſe, to diſpute a Queſtion ſo hotly, when all their Arguments may be anſwered by this, make them the plurality, who will imploy their power to edification

fication *in the current of their actings*, as others do not, and then they wil not debate much about Submiſsion, even to unjuſt Sentences, in things concerning particular perſons. And ſo they might have ſpared their pains in all theſe Arguments, and betaken themſelves to that where the ſtreſſe of the controverſie lieth, to prove that we are corrupt Judicatories, which alone can have weight to prove their concluſion, by this their conceſsion. And ſo much the rather do we urge this, when we remember, that at our Conference with them, one of them, after much debate, being put to it to declare whether if they had the Judicatories conſtituted to their mind (or, as they were pleaſed to phraſe it, as before our Differences) they would require ſuch a Submiſſion as we preſſed; His anſwer was, *It is another caſe now, in ſtatu Eccleſiæ perturbato & corrupto.*

However, here is a new Controverſie ſtarted in the by, concerning the corruption of the Judicatories of this Church, though not as to the nature & kind of them, yet as to the members conſtituent: wherein we have been all along telling them that they are better at aſſertions than probations. And though we have, as occaſion offered, wiped off this imputation in the preceeding diſcourſe, and will ſpeak more to it, as it relates to this Queſtion, upon the third Article following; And we might here alſo inſiſt to tell them how the Reverend Aſſembly of Divines did relliſh this exception, of the corruption of the greater part of the Clergy, from the Independents; Namely, as proving Parliaments to be corrupt, as well as Synods, (ſeing the greater part of theſe who chooſe them may be ſuppoſed to be the worſe, as well as the greater part of Miniſters) and ſo ſtriking at the root of all Government, yea, and not only blaſting (ſo much as they can) the authority and power of Synods, but the office and work of the Miniſtery. *Anſwers to the Reaſons of the Diſſenting Brethren, p.* 291, 292, 293. *Edit. Edinb.* 1648. Yet, for preſent, we only offer theſe things to their conſideration, 1. As to what they cite, *p.* 52. from the Aſſembly, 1647. their Exhortation to *England*, concerning the not entruſting of men with the Government, who are not purged from their old profaneneſs, or from the prelaticall principles and practices; They know it is directed by the Aſſembly to the Church of *England*, a Church not conſtituted in point of Government, and where many did avow and adhere to their old principles and practices. And ſo is not

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to be made use of against this Church already setled in that matter; and where never Minister, not under Process or Censure, was declared uncapable of being a member of a Church-judicatory, nor are any allowed to be in the Ministery, who can be found guilty of any prophaneneſſe, or who hath not both in profeſſion and practice renounced Prelacie and their wayes. In which caſe, that very Exhortation, a few lines thereafter, alloweth the right hand of fellowſhip to be given men. 2. However, they may condeſcend that they would ſubmit to a Presbyterie ſo and ſo conſtituted, poſſibly in *Utopia*; yet, by this their tenet, they have defamed their Mother-church and the Judicatories thereof, and ſo do abundantly ſerve the intereſt of all Sectaries in their oppoſition thereunto, and to all the Reformed Churches through her ſides. 3. If they lay the ſtreſſe of our unſoundneſſe mainly (as they do, *pag.* 116.) upon the Publick Reſolutions, they muſt take more pains (as hath been ſaid) to ſatisfie the world of the ſin of theſe, before they can draw ſuch conſequences from them, and perſwade the world that they are not erroneous and turbulent in their oppoſition thereunto. 4. We deſire they may make it out, that Members, Officers and Judicatories in a conſtituted Church, though they be corrupt, ought not to enjoy all their priviledges, till they be formally caſt-out from them, or, at leaſt, proceſſed for their corruptneſſe: Since very Independents do allow this in their Churches; and conſequently, the Judicatories and Officers of the Church of *Scotland*, ought to enjoy the priviledges due to Chriſts Courts and Servants, ſo long as they are not formally declared incapable thereof. 5. We deſire alſo they will make it appear to rational men, how Submiſſion can be denied to Judicatories upon the account of their corruption, whom they not only do not deſert as corrupt, but do ſit and joyn in them as Courts of Chriſt, without any Proteſtation againſt their conſtitution: yea, and do offer and ſubmit themſelves and their wayes and miniſteriall actings, to be tried by them as their competent and lawfull Judges; and yet when it cometh to a Sentence upon what they ſubmit to be cognoſced upon, they refuſe to ſubmit to it, becauſe they are corrupt in the current of their actings? Theſe we believe will be found very inconſiſtent by any but themſelves; for if they will not ſubmit at laſt, deſerting of them, and Declinators in the entry, are the only fit premiſſes from whence to draw their concluſion. For, as

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we heard before from the Divines at *Dort*, ſuch Non-ſubmiſſion is in effect a ſeceſſion. And Mr. *Gee*, in his late Treatiſe of the Civil Magiſtrate, *pag.* 178. layeth it as a foundation of all Order, that the *minor* part of a Community, muſt either ſubmit to the *major* part, or elſe they muſt make a ſeceſſion from them, and erect a new Society. And therefore if our Judicatories be thrones of iniquity that have no fellowſhip with God, as they would inſinuate, *pag.* 48. it were fit they ſpake it out, and it ſhould ſeem more congruous they ſhould have no fellowſhip with them either.

III. As to the matters wherein we require Submiſſion: We do not urge a Submiſſion, in this Queſtion betwixt us, in matters of Doctrine, or Articles of Faith, in Worſhip, Government, nay nor Rules of Diſcipline; for in all theſe we are agreed, and through mercy they are eſtabliſhed among us. We only plead, that in the matter of applying agreed-unto Rules of Diſcipline to particular perſons and caſes, there be a Subordination and Submiſſion obſerved: And that in the matter of inflicting of Cenſures on Officers or Members, or of judging of the Call of Miniſters, according to theſe agreed Rules, and in the like caſes incident in the Judicatories of Reformed and ſetled Churches: there be a ſiſting of Contentions, and an avoiding of Schiſms and Confuſions, by the Submiſſion of perſons to Judicatories, and of inferiour Judicatories to ſuperiour.

To clear and branch out this Aſſertion more diſtinctly, Conſider,

1. While we do thus limit this Queſtion; Our purpoſe is not to retrench the juſt power, *Dogmatick* and *Diatactick*, of Chriſts Courts: nor to inſinuate any thing prejudicial to the Submiſſion due to them in theſe reſpects; and given to them both at home and abroad. But our ſcope is only to diſcover to the world how the caſe ſtands between theſe Diſputants and this Kirk. We have not only a Confeſſion of Faith, Directory of Worſhip and of Government, but alſo ſetled Rules of Diſcipline in matters that fall under the *Critical* power of Judicatories: So that nothing remains in debate, but whether in application of theſe Rules, the Sentence and Judgment of Judicatories ought to be acquieſced unto without further contention.

2. This being the true caſe between us; we think their inſtance of *Athanaſius* not ſubmitting to *Arians* depoſing him for his aſſerting

asserting the Divinity of the Son of God; And that *Arg.* 11. making a supposition of our enacting the Masse, and all the Heresies of *Rome*, do shoot short of the conclusion and mark. For when Church-judicatories deny homage to the Son of God, and return to *Rome*, we shall not debate the point of Non-submission only with them, but shall run from them as from Synagogues of Satan. Likewise, they might have spared their Argument about the Subscriptions taken by Prelats, *pag.* 110, 111. *Arg.* 13, For not only is there active obedience imported in these engagements; whereas we are only speaking of passive Submission: But they did also tye men to approve corruptions in the point of Church-government, and in the matters of Gods Worship, which falls not within our Question. This also might tell them, that that instance, *pag.* 50, 51. of our Confession, *anno* 1567. concerning Articles of Faith, or Constitutions repugning to the Word of God, was needlesse: As also that great noise they make of all the precious Truths of God, and interests of Christ, at the stake, *pag.* 49. And that there is no Ecclesiasticall remedy in case of a generall defection, *Arg.* 15. *pag.* 113. And that salt allusion to the crucifying of Christ, *pag.* 99. and their citation of *Gal.* 1. 8. *pag.* 108. *Arg.* 8. These and many the like big assertions, whereby they endeavour to render us odious, have no place in this Question. And it was well told them to this purpose in the Conference for Union, where they started these same difficulties, "That our confidence is, that such cases shall not fall "out in this Kirk, we being united in one Confession of Faith, "form of Worship, Discipline and Government; and that it is con- "trary to prudence, and inconsistent with any well ordered Go- "vernment, upon the supposing of a case which can but rarely (and "we hope, through grace, never shall) fall out in this Kirk, to ener- "vate a generall rule, and make an open door for Schisms, contrary- "actings in subordinate Judicatories, and Divisions upon Divisions, "upon every occasion.

3. This then being the true state of the Question, may we not again resume their assertion, *pag.* 115. 116. and take them at their word? *That if the case were only of particular persons, in things of more private interest and personall concernment, and of Judicatories imploying their power to edification in the current of their actings, they would not much contend about it.* As to the first,

this caſe concerneth only particular perſons, and that only in ſuch private and perſonall concernments as fall within the compaſſe of Church-diſcipline, while the work of God ſtandeth intire in the Church; and this hazard may be of very few, yea, through grace, of none at all who may ſuffer injury, and for them in particular, ſufficient remedies were offered in the Conference for their ſecurity. And as to the ſecond, however they are pleaſed to play upon Submiſſion upon the account of ſoundneſſe, *pag.* 114, 115. yet we aſſert, that as to our principles, we are ſound in Doctrine, Worſhip, Diſcipline and Government; As to our qualifications, we approve not of, nor do we tolerate any manifeſted and proven iniquity in any of our Members; and as to the current of our actings, we forbear to cenſure none who can be found guilty, nor to try any of whom there is any ſuſpicion or preſumption. And we are ſo far from any cruſhing and bearing down of Piety, that no man is obnoxious in the Church of *Scotland* to any hazard, either for profeſſion or practice of Godlineſſe, but it is a part of our conſtant triall to find out mockers of Piety. Men may follow all the duties of holineſſe and righteouſneſſe, and the duties of edification, according to the Word of God and the eſtabliſhed Conſtitutions of this Church, not only without hazard from, but under the protection and favourable aſpect of Church-judicatories. And all the while this Kirk hath declared her diſſatisfaction with our Brethren, who (either being Godly, or under the pretence of it) have brought in ſuch confuſions and diſorders, they cannot give one inſtance to infringe the truth of this our Declaration. Now matters being thus, we think their own aſſertion may bind them to Submiſſion in theſe matters, where the greateſt hazard is of mens perſonall ſuffering only, without any prejudice to the intereſts of Chriſt.

4. But whether they adhere to their own aſſertion or not, yet this Submiſſion ſo qualified as to the matter wherein it is required, is to us beyond all controverſie, that it is due in ſuch a Church, and to ſuch Judicatories: And Submiſſion to Sentences in theſe matters, whether juſt, or ſuppoſed unjuſt by the parties ſuffering, taking it generally (for we ſhall ſpeak more diſtinctly afterward to what they inſiſt ſo much upon, concerning unjuſt Sentences) may be proven by all the Arguments whereby Divines do prove Subordination. Chriſts own Rule, *Matth.* 18, 17. doth to us demonſtratively conclude it, where

where the laſt Church-remedy in the matter of offences, is, *Tell the Church.* There is an expreſſe Precept for it, *Heb.* 13. 17. *Obey them that have the rule over you, and ſubmit your ſelves.* And that Order eſtabliſhed, 1 *Cor.* 14. 29,32. that the Prophets ſhould *judge* of one another, and *the ſpirit of the Prophets be ſubject to the Prophets*, doth hold out this Submiſſion moſt clearly, as may further appear from the reaſon ſubjoyned, *verſ.* 33. that *God is not the author of confuſion*, (which cannot be avoided if we follow the Doctrine of theſe *Witneſſes* in this matter) *but of peace.* And accordingly it is urged by the Synod of *Delph* againſt the Remonſtrants, *Act. Synod. Dordr. pag.* 87. The very light of nature (from which the Miniſters of *London* in their *Jus Divinum*, and Mr. *Gilleſpie* in his *Aſſertion*, do argue in this caſe) doth ſtrongly evince, that in no Society in the world it will be allowed, that particular perſons and Societies ſhould not ſubmit but counteract to the whole; and that Government cannot ſtand where there is not a Submiſſion, at leaſt paſſive if not active, and that it is a ruled caſe, that rather one than unity ſhould ſuffer; Let it be but applied to civil Societies and Authority, and the caſe will ſoon ſpeak for it ſelf. The pattern of the Jewiſh Church, (from which they likewiſe argue in this caſe) doth alſo evince it. For, no doubt, as (they are pleaſed often to tell us, particularly, *Arg.* 1. *p.* 89.) their Judges and Prieſts were bound to judge according to the Law, and yet it is not to be ſuppoſed, that if parties judged their Sentence unjuſt, they might not ſubmit but contra-act. Suppoſe the Prieſt had pronounced a man leprous, (as was his office to determine in theſe caſes) and yet the man judged the Prieſt had erred in his determination (as it was poſſible in theſe caſes wherein he conſulted not with *Urim* and *Thummim*, he might) but could not get the Prieſt perſwaded it was ſo; Is it probable he would either ſtay, or get leave to ſtay within the Camp, for all that? Yea, this aſſertion is of ſo univerſall verity, that the very ends of Government (for preſerving unity, and being an hedge about Doctrine and Worſhip in a Church) are overturned thereby. For once caſt looſe this Submiſſion in a ſound and well conſtituted Church, and then how ſhall Government reach its end? or, *cui bono* ſhall Judicatories meet to Sentence any? ſeing they will get no Submiſſion, but as the parties pleaſe to think they are right: yea, not only parties cenſured, but even ſuch of the Judges as vote againſt

the Sentence, are free to ſleight and contra-act. By this priciple alſo, we muſt either eſtabliſh a Toleration, or elſe keep up Judicatories to claſh perpetually with parties, either before or after the Sentence. It were far more prudentiall to declare Judicatories only conſultative meetings, (as indeed they are by this opinion. For what they attribute unto them, (*pag.* 46.) of binding us by vertue of their Authority, is not denied to Synods by very Independents. *Cotton's Keyes, pag.* 25. And yet Mr. *Edwards* telleth us, in the place before cited, that indeed they are to them but as Arbitratours for hearing and counſell, the parties being ſtill their own Judges, as it is here alſo) than under the notion of juridicall Authoritie, to overturn all order and peace, by the claſhings of them and the parties conveened before them. For (as Mr. *Rutherfurd* aſſerteth in his late Piece againſt *Hooker, pag.* 465.) *every appeal, whatever unjuſt prejudice be in it, muſt not ſtop the actings of Chriſts viſible Kingdom and called Paſtors.* Now, if perſons cenſured, be not allowed to ſubmit, but to contra-act, when they judge the Sentence wrong, and yet cannot convince their Judges that it is ſo, what muſt Judicatories do? They look upon themſelves as intruſted with the Government of Chriſts Houſe, and do judge the contra-actors to ſin dangerouſly, and muſt they ſtand ſtill and look on, while their party, pretending a call from God, goeth on in his contempt? were they only conſultative meetings, they had delivered their ſouls by giving their advice, without raiſing any further ſtir; but now they cannot be anſwerable to their truſt, to let men go on and ſin. And on the other hand, the party cannot obey men rather than God, (as theſe *Witneſſes* argue) and ſo they muſt claſh till they ruine all. Further, By denying of this Submiſſion, things muſt either come to this iſſue, That in caſe a man cannot get his will in Church-judicatories, he muſt turn Eraſtian and bring the matter to the civil Magiſtrate (as *Poppius Boorſma* did in *Friſland*, with deſerved bad ſucceſſe) or when he thinks his Judge wrong, he muſt endeavour to put him out of the Chair, and ſet himſelf there to guide better, and when he is ſet, another muſt ſerve him in the like kind, and ſo *in infinitum*, Judicatories ſhall be pulled down, ſet up, and tumbled down again: Or he muſt reſolve to be his own Judge and ruled by none, though all the Judicatories of a National Church determine againſt him: And the Judicatories muſt either take

take off his Cenſures, though in their conſciences inflicted upon juſt cauſes and truly proven, or let him, and as many as pleaſe to follow him, go on to counteract their Sentences, till they be left Beacons on an hill, and none to ſubmit to their Authority. Whereby alſo it may ſoon come to paſs, that ſome few Hereticks may continue themſelves in a miniſterial capacity, to propagate their errours, in deſpight of all that the Judicatories can do; And a Church be expoſed to all the confuſions which our Writers charge upon the Independent Government.

Theſe few Conſiderations may ſuffice to clear how neceſſary it is, that Subordination and Submiſſion be obſerved, eſpecially in an orthodox and well conſtituted Church, and how the contrary practice will bring confuſion upon all Societies, Civil and Eccleſiaſticall, on earth.

5. But to conſider what they offer againſt this diſtinction and ſtate of the Queſtion, as to the matter of Submiſſion: And, 1. we find them arguing, *Arg.* 5. *pag.* 103, 104, 105. That if Submiſſion be due in matters of Diſcipline and Government, then alſo in matters of Doctrine and Worſhip, unleſs God hath either put a greater reſpect on the firſt, than thoſe laſt, or hath given greater latitude in the one than the other. *Anſw.* To ſay nothing here of the Submiſſion due in matters of Doctrine and Worſhip, as not lying in our way, (as was ſaid before) ſeing paſſive obedience, which is the matter in debate betwixt us, is relative only to the *Critical* power of Judicatories; We can ſoon give them another ground of difference in theſe, than what they are pleaſed to find out for us, *viz.* That however God hath not put a greater reſpect on Diſcipline than on Doctrine and Worſhip, nor hath allowed men to take a greater latitude in the one than the other, (though yet in many things of Diſcipline and Government, God hath left us to be directed by the light of nature and rules of prudence, common in like caſes in all Courts, as He hath not done in Doctrine and Worſhip; and conſequently, the multitude of Counſellors, in a Judicatorie, are more to be reſpected than one who is loadened with a prejudice of paſſion and intereſt in his own particular) Yet to ſubmit in the matter of Diſcipline, where the hazard is only perſonall and of a mans ſuffering, is not *tanti* to diſturb a well ſetled National Church, where Doctrine and Worſhip are in their integrity: whereas the caſe is of

greater.

greater moment when a National Church, in her Judicatories, introduceth false Doctrine, and corrupt Worship, to be imposed upon a Church. 2. They argue, *Arg. 6. pag.* 105. 106. That Submission to the Critick power or exercise of Discipline, will infer Submission in matters of Doctrine, for which they instance the ratification of, and Censures ordained to be inflicted upon the matter of the Publick Resolutions, and the matter of *Athanasius*, of which before. *Answ.* We see no cogency in this Argument, that because a Church may censure Hereticks, who submit not to their Dogmatick determinations, (which none of us ever doubted of) therefore our Question with them is not about matters of Discipline only, when we are setled in all other points, and do professe our adherence thereunto. But as to the matter of the Resolutions. 1. As we wonder with what face they can conclude all these men, taken in, *to be sons of Belial*, if it were for no more but upon the account of their own professed respects to many of them: (To say nothing of the good parts, yea, and real piety of (at least) some of them, who failed in an hour of trial) So they must first prove these Resolutions to be an errour, before they can make the Sentences concerning them unjust. This we are forced to tell them often, because they have the good manners so oft to say much, and prove nothing at all. 2. This Question being extrinsick to our Doctrine, Worship and Government, (as hath been said) men may well be enjoyned silence in it, without entrinching upon the matter of Doctrine, or mens opinions: we are sure it is maintained by the Learned, that men having declared their judgements concerning some truths of an inferiour nature, they may be silent for peaces sake. And so contending Divines have been enjoyned silence by Church-Judicatories. And if any would but have a touch of the necessity and equity of these proceedings of the Judicatories, against the opposers of these Resolutions, let them but take a view of these mens wayes; and let these *Witnesses* but re-act a few of their former pranks. Let them but oppose any of these publick Resolutions, of conjunction of Forces with either Malignants or very Papists, that may be in practice in these Nations: Let them refuse to act, or enjoy their publick Offices, under an Authority owning and putting in practice these Resolutions; let them not only write and preach against them, as a defection and sin against God, but let them protest

teſt againſt Judicatories, as not lawfull, who owne them; Let them draw a faction and keep up a Rent, till they be repented of, or at leaſt made void, and aſſurance given againſt them for the future: Let them (we ſay) but ſhew forth a little of this their wonted ſpirit, and we hope others will ſee what they are, as well as this Church and Nation hath felt it. And if they be true to their principles, they muſt do ſo ſtill, in all times and caſes, in theſe confederate Nations; Otherwiſe men will have juſt cauſe to ſuſpect them of little conſcience in the things they have done. But, (3.) This inſtance hath nothing to do with our Queſtion; for, in our Overtures, wherein Subordination was required, it was alſo offered, that all debates and cenſurableneſs about theſe matters ſhould be laid aſide and made void. And ſo, had they accepted the Union, that would have had nothing to do with the Subordination required for the future.

IV. As to the perſons of whom Submiſſion is required; Two things come to be conſidered, which may further clear the Queſtion.

1. That Submiſſion is required of ordinary Officers and Church-members only: So that their Arguments from the practice of the Apoſtles and Prophets, *pag.* 47. and *Arg.* 2. *pag.* 100, 101. might well have been ſpared. For, (to omit what further may be ſaid afterward to the inſtance of the Apoſtles) their Calling being neither of man, as to the Office it ſelf, nor by man, as to their call to it, but being immediatly called by Chriſt Himſelf, without the interveening Miniſterial Power of Church-judicatories: We aſſert they were not ſubject to any Church-judicatory on earth, as to their continuance or non-continuance in the exerciſe of their Miniſtery. But ordinary Miniſters as they have their Call mediatly by the Church, without whoſe authoritative Miſſion no inward Call can warrant them to thruſt-out themſelves; So, in their continuance in that Office, which they have from the Church. they are ſubject to the Church. And if they will aſſert a warrant for their continuance in the Miniſtery, whether the Church will or not: Tub-preachers may as well improve it to thruſt themſelves in over the Churches belly. And here we may take notice of what is ſaid by the Authors of that Treatiſe, publiſhed by Mr. *Rathband*, formerly mentioned, who, ſpeaking of their yeelding to Suſpenſions and Deprivations, by Biſhops and their Courts, *pag.* 41. they tell us, *that it lieth in them to depoſe, who may ordain*,

ordain, and they may ſhut that may open; and afterward, and *pag.* 42. They anſwer that very Objection from the Anſwer of the Apoſtles, *Act.* 4. 19, 20. urged by the Browniſts againſt their Submiſſion, by ſhewing the differences betwixt the Apoſtles caſe and theirs, 1. *That they who inhibited the Apoſtles, were known and profeſſed enemies of the Goſpel.* 2. *The Apoſtles were charged not to teach in the Name of Chriſt, nor to publiſh any part of the Doctrine of the Goſpel*, which (ſay they) was more hard than their caſe under Biſhops, who, though they cannot endure the truth concerning Government and Reformation of the Church, yet are content the Goſpel ſhould be preached, and preach it themſelves. They adde, 3. *The Apoſtles received not their Calling and Authority from men, nor by the hands of men, but immediatly from God Himſelf, and therefore alſo might not be reſtrained or depoſed by men, whereas We, though We exerciſe a function, whereof God is the Author, yet We are called and ordained by the miniſtery of men, and may therefore by men be alſo depoſed and reſtrained from the exerciſe of our Miniſtery.* Where, as their firſt and ſecond difference ſpeak clearly to the ſecond and third branches of our Queſtion: So this laſt doth fully ſpeak our mind in this. As to what they (and Mr. *Rutherfurd* before them, in his Preface to his *Survey*) ſay of privat perſons being Excommunicated, their Non-ſubmiſſion to abſtain from publick Ordinances; As Excommunication is rarely pronounced in this Church, except in the caſe of obſtinacie, and therefore may eaſily be prevented: So we cannot underſtand how they can avoid Non-ſubmiſſion, unleſs either they will forcibly obtrude themſelves on Ordinances till they be thruſt-out, and ſo muſt come to Non-ſubmiſſion at laſt; Or, unleſſe they get Miniſters who will admit of them, and ſo refuſe to ſubmit to the Judicatories, which will at laſt fall in with the former caſe. Though we, in the mean time, would have ſuch a perſon ſeriouſly to conſider, whether his edification by theſe particular Ordinances, from which he is debarred by the Sentence (means ſimply neceſſary to ſalvation not being taken from him, and the want of the reſt being but his affliction, not his ſin, take the matter in his own ſenſe) ought to be laid in the ballance with the breach made on Order in a Church conſtitute and ſetled as is ſaid, with the contempt and ſcandall put upon the Judicatories, who yet ſtand inveſted with power to rule in Chriſts Houſe; yea,

and

and with the ſtumbling of the whole Congregation upon whom he obtrudeth himſelf, who (perhaps) judge his Sentence to be as juſt, as he counteth it unjuſt.

2. As to the Submiſſion of inferiour Judicatories to ſuperiour, concerning which they argue, *Arg.* 7. *pag.* 107. And again, *Arg.* 15. *pag.* 113, 114. We grant indeed that the power of the ſuperiour Judicatory is *cumulative*, and not *privative* to the inferiour Judicatories, yet it muſt be underſtood in a right ſenſe: for, 1. It is granted on all hands betwixt us, that, by the Conſtitutions of this Kirk, every Church-judicatory may not meddle with all things, but with things that are of particular concernment within their bounds, leaving things of more generall concernment to the Church, to ſuperiour Courts: yea, within their own bounds, Congregationall Elderſhips do not meddle with the matter of Adultery, Excommunication, and Ordination of Miniſters, but theſe things come before the Presbyterie. 2. Albeit inferiour Judicatories have intrinſick power given them by Chriſt, and may exerciſe it independently where providence affordeth them no ſuperiour Judicatorie; yet in a Nationall Church, it is the will of Chriſt, they exerciſe that intrinſicall power with a Subordination to the ſuperiour Courts, ſo that (ſo long as they hold the Subordination, and do not renounce the Judicatories as Hereticall and corrupt) they may indeed do all they have right to do, yet ſo as they muſt be accountable to others in the caſe of Appeals, or mal-adminiſtration, who may lay as great claim to that promiſe, *Matth.* 18. as they can. And if the ſuperiour Judicatories judge their proceedings to have been wrong, in the caſe now before us, it is no more lawfull for them, than for private perſons, to make a Rupture by Non-ſubmiſſion, or not ſuffering and being paſſive; which will prove a remedy worſe than the diſeaſe. Nor doth this Subordination prove that theſe inferiour Judicatories muſt be fenced in name of the ſuperiour; Seing they know, that even inferiour Civil Courts are not fenced in the name of a Parliament, to whom they are ſubordinate. And if this hold not, it ſhall be to no purpoſe for ſuperiour Judicatories to meet, unleſſe either to approve all that is done, or elſe it pleaſe inferiour Judicatories to be convinced by them. And indeed, now it is no ſtrange thing to ſee one privat Presbyterie not only reverſe and declare null the Concluſions of a General Aſſembly, but judicially declare the Aſſembly

it ſelf null: far contrary to the Book of Diſcipline, where it is expreſly provided, that Elderſhips, or Presbyteries, muſt *alter no Rules made by Generall or Provinciall Aſſemblies*, Book 2. *chap.* 7. *pag.* 81. and no leſſe contrary to the opinion of *Beza*, Epiſt. 44. *pag.* 244. who judgeth it *iniquiſſimum & intolerabile, &c. moſt injuſt and intolerable, that things concluded in a Generall Synod ſhould be reſcinded by the Authority of one Conſiſtorie, unleſſe the party paſſe from his right, or things be agreed among parties, without any detriment to Eccleſiaſticall Diſcipline.*

V. As to the nature of this Submiſſion, or manner of performance thereof, two things are worthy our conſideration, for further clearing the truth in this particular.

1. That in pleading for Submiſſion in matters of Sentences, as is above qualified, we do not urge that men in conſcience ſhould approve of all and every of theſe Sentences as juſt, (however we do not therefore grant they are unjuſt, as we ſhall after hear) But only that (what ever their judgement be) they ſubmit and ſuffer, or be paſſive (having done duty and exonered themſelves) without counteracting. And that becauſe, 1. However they count them unjuſt, yet they (looking through the proſpect of paſſion and intereſt) may be deceived. The Judge thinks them juſt, and it may be many others, yea, all except the parties concerned. 2. However it be, yet it is better one or a few perſons ſuffer ſomewhat, than that a Schiſm be made in an Orthodox and well ſettled Church.

This being the true ſtate of the Queſtion, and indeed a ſafe remedy appointed by God, that when men in a Church cannot in Conſcience obey a command, then they may with a good Conſcience ſubmit and ſuffer: (for, the Lord's commanding us to *ſubmit*, and our engaging thereunto, doth import there may be caſes wherein we cannot give *active obedience*) It is a miſerable miſtake all along in the moſt part of this debate, that *Obedience* is confounded with *Submiſſion* and *Suffering*. That becauſe a Church ought not in duty to domineer over the Flock, *pag.* 52. therefore none of the Flock may lawfully ſuffer an injury, (or ſuppoſed ſo) rather than do a greater injury, by renting the Flock. That becauſe Prelats taught falſly, that the Sentence of Superiours is a warrant ſufficient to mens Conſciences to give active obedience to their conſtitutions, and that the Law muſt be the rule of mens Conſciences, and did bind men

men to give obedience to their ceremonies upon pain of deprivation, (as they tell us, *Arg.* 13. *pag.* 110, 111.) Therefore there can be no ground for a Conſcience to ſuffer when they cannot obey: That becauſe it muſt be a *præcognitum* in every law to be actively obeyed, that it be *juſt*, therefore men are never called of God to ſuffer, even *unjuſtly*: Becauſe it is aſſerted, that Conſcience is not left unbound, by retaining the freedom of our judgements concerning the things which yet we act and do, *Arg.* 3. *pag.* 102. therefore the conſcience, doth not retain its juſt freedom concerning an unjuſt Sentence, becauſe a man ſuffers under it: As if our ſuffering under any thing did import an approbation thereof in our Conſciences: Becauſe men may not tyrannize over Conſciences, *pag.* 48. Therfore Conſciences cannot bear witneſſe lawfully againſt what they count evil, even by ſuffering: And becauſe Proteſtant Divines do ſay, that the judgement of diſcretion maketh a man judge of his own actions, and what he ſhould do, *pag.* 97. Therefore it warranteth him alſo to ſuffer nothing, but rather to confound and overturn a Church ere he do ſo. Theſe and many the like flowers of diſcourſe and fallacious argumentations are ſcattered through this Pamphlet, which the judicious Reader will find to be clear *non-ſequitur's* and very far from the ſcope of the Scriptures and ſenſe of the Writers which they cite here and there, which we need not hunt after, ſeing *de ſimilibus idem eſt judicium.*

2. That we urge no ſuch Submiſſion to Sentences of inferiour Courts, As ſecludeth either Diſſents, for mens own exoneration and keeping pure in what they think wrong, (which we conceive is the Scripture-duty in ſuch caſes, 1 *Tim.* 5. 22.) or Appeals from one Judicatory to another, till they come to the higheſt can be had. Which ſpeaketh much to the juſtice of the Government, that a man is not preſently concluded irrecoverably under a Sentence by every inferiour Court, as it is in the Independent Government, but hath a door left open to get his cauſe heard again, till he come either to a Nationall Aſſembly with it, or (if that cannot be had) to a Synod. Yea, though one General Aſſembly do not ſatisfie his deſire, he may make his addreſſe by ſupplication to another after that; So that a man hath fair room to follow forth variety of lawfull means, and to have his cauſe heard before variety of Judicatories, for righting any thing that is ſuppoſed to be amiſſe. Who, if they do right him, it

is well, if not, he hath done his duty, and may ſit down in peace, as having neglected no lawfull means of defence, and conſequently may commit his cauſe to God, as we heard before from the Reverend Aſſembly of Divines.

As to the matter of Submiſſion till the Appeal be diſcuſſed, whatever the practice of ſome of them be, in counter-acting upon their Appeal, before it be heard before the Judge competent: yea, and upon their Appeal to a Generall Aſſembly, (whereof we have wanted poſſeſſion theſe years bygone, and know not when it may be had) they take liberty, in the meantime, to do what they will with the Sentences of Presbyteries and Synods: Yet we finde them ſhy (to uſe their own language) to owne any ſuch thing in this Pamphlet; But they lay the ſtreſſe of their Non-ſubmiſſion upon their ſuccumbing before the Judge to whom they have appealed, *pag.* 48, 49. So alſo, *pag.* 99. they ſay nothing to Submiſſion till a mans Appeal be diſcuſſed. But to us it is clear, that as Submiſſion is due to the Sentence till the Appeal be diſcuſſed, by the Acts of this Kirk, and judgment of Divines writing on this ſubject, as we heard before; And as it were to no purpoſe to appeal, if men did not ſubmit but went on, ſeing they have no benefit to recover by their Appeal if they ſubmit not, eſpecially if they will not ſubmit to the ſuperiour either; Yea, and it will be moſt abſurd to ſay they will not ſubmit in ſome caſes, when the Judicatory, who may right them, is to conveen within a week, or very ſhort time, and yet they will not have patience even for ſo long: So Submiſſion, till the Appeal be diſcuſſed, will ſtrongly conclude Submiſſion after that alſo. And we think it muſt be a ſtrange thing, if a Miniſter, having offered to maintain his Miniſtery before all the Judicatories of a Nationall Church, and all of them reject it, yet he will obtrude it upon them, nill they will they, and will make ſchiſms and factions never ſo many, ere he be not a Miniſter. We may ſay it, though we account our Miniſtery (through grace) dearer than our life; yet ſo long as there were ſervice to do to Chriſt in any part of the Chriſtian world, we would be loath to uſe a Reformed Church ſo; yea, the loſſe of our life would not be ſo bitter to us, as to be acceſſory to the confuſions attending ſuch a practice.

VI. As to the nature of the Sentences, to which Submiſſion is required, and the juſtice or iniquity ſuppoſed to be in them, we do heartily agree with them, that all Sentences pronounced by Judi-

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catories ought to be juſt Sentences: yet we offer theſe Conſiderations, which may further clear this debate.

1. Whereas it is taken for granted, all along, that the Sentence, to which Submiſſion is required, is an unjuſt Sentence: Yet (notwithſtanding what hath been, or may be ſuppoſed) this is ſufficient to anſwer all their Arguments, that they but beg the Queſtion in them: For it is not granted them that the Sentences are unjuſt. And (though we diſpute the matter further with them, yet) this is indeed the true ſtate of the Controverſie betwixt us; Not, whether unjuſt Sentences, that are ſo indeed, ought to be ſubmitted unto; But, whether parties are free not to ſubmit to Sentences, though never ſo juſt, if they count them unjuſt? Or, whether in caſe of a difference in judgement betwixt the Judge and Party, concerning the nature of a Sentence pronounced, and neither of them being able to convince the other; The judgement of the Judge ought to carry it, as to the Parties paſſive obedience, and Submiſſion thereunto? *Ex. gr.* When a Judicatory judgeth a Miniſter inſufficient for the work, and he thinks himſelf able enough; Whether he be bound to ſubmit to them, and forbear Preaching, or not? If we ſpeak of the caſe betwixt them and us, we never urged any Sentences that were unjuſt to be ſubmitted to by them (though for peace we have offered to wave that debate) nor do the Judicatories purpoſe, in the power of the Lords grace, to pronounce any unjuſt Sentence, but that they will judge according to known rules. Yea, let this matter come in Queſtion betwixt Judicatories and Parties, and it will be laid to the charge of Parties, that they ſubmit not to juſt Sentences. It is true, they call them unjuſt, but, to whom, are they ſo? The Judge pronouncing a Sentence counts it juſt, it may be ſo do all others, but the Party: He will not ſubmit to his Judges Verdict, Can he then find any Arbitrators to whom he is rather bound to ſubmit, than to his Judge; Or, muſt all return to his own private judgement of diſcretion, not only as to what he will approve or do, but what he will ſuffer? And yet was it ever almoſt found but that Parties Sentenced were grieved and diſſatisfied therewith; And might not theſe Hereticks who were Cenſured, *Act.* 15. have urged the ſame plea? And did not the Arminians at *Dort*, and do not Hereticks at all occaſions, condemn the Sentences of their Judges, and yet their Judges did not yeeld the Queſtion to them? If a

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compariſon be inſtituted betwixt the Judges and the Party; The Judges may ſafely alleage, that it is not ſo probable they are in an errour as the Party, as being a multitude of Counſellours, wherein is ſafety: as being leſſe blinded with paſſion and perſonal concernments in the cauſe, than the Party is, and having a more expreſſe promiſe (though they pretend not to infallibility) for direction and aſſiſtance in judgement, *Matth.* 18. 19, 20. Thus *Beza*, (*Epiſt.* 59.) pleading the Cauſe of Chriſts Courts againſt ſome diſturber, willeth him to conſider, that though they conſiſt not of ſinleſſe men, yet it is probable *that many ſhould be wiſer than one.* If we ſpeak to their procedure, they are ready to offer all rationall ſatisfaction: Theſe *Witneſſes* ſay, that it is a *Præcognitum* in all Sentences to be pronounced by Judges, and obeyed by Parties, that they be juſt Sentences, *pag.* 52, 53. That Miniſters ought to be ſubject only to lawfull admonitions, That Suſpenſion and Depoſition ſhould be for lawfull cauſes, *pag.* 51. That Intrants are engaged to ſubmit themſelves to Admonitions and Cenſures, only when they ſlide and offend, *pag.* 60. And the Judges ſay their Sentence is juſt, for lawfull cauſes, and upon real ſliding, though they cannot perſwade the party that it is ſo. If they alleage that even in the matter of Tranſportations, the Judicatories are bound to give reaſons for the expediency of the ſame, much more ſhould they deal meekly in Sentences, *pag.* 51, 52. The Judge declineth not ſo to do, they are ready to give ſolid reaſons for their deed, though they cannot perſwade the party to ſee them; Yea, they are ready to hear what the party can offer againſt the Sentence, though they cannot convince him that his reaſons have no force. They will grant him that his private judgment of diſcretion maketh him a judge of his own actions (though yet but a ſubordinate judge) as to what he ſhould do, *pag.* 97. but cannot allow it ſhould hinder and bind them up from cenſuring what is wrong, or warrant him not to ſubmit in the point of ſuffering. When we enquire what remedy is there to avoid a Schiſm, and preſerve Unity and Order, if they ſubmit not: They tell us, *pag.* 49. *If the Sentence be unjuſt, it ought to be recognized and repealed: If it be juſt, and of an inferiour nature,* (that is, a leſſer degree of Cenſure) *if the perſons will not ſubmit, they are, after due procedure, to be caſt out as thoſe that will not hear the Church, &c.* And what is this but the very conſtant practice of

of the Judicatories, though parties will not see that they judge justly? And what shall the Judge do, if after the Sentence of Excommunication is pronounced, the party still refuse to submit? They offer us no remedy, in that case, for preserving of Order and avoiding of Schism. So that, in a word, the case cometh to this, Not if they ought to submit to an unjust Sentence, But, whether, let all the Judicatories, even from an Eldership to an Oecumenick Council, proceed never so justly and conscientiously, yet the party censured is still supream judge on earth of all their proceedings, and his own actings and behaviour in reference to whatsoever of their Sentences; So that till he be convinced, he must suffer nothing, but counteract at his pleasure? And if this be a sound principle, all sober Christians will judge. And when they cry-out so much, that we do not purge; we desire to know how by this principle we can purge any at all; Or, if others be not free to make use of it as well as they? We shall shut-up this part of the discourse with some account of the judgement of others in this very matter, The Commissioners of the General Assembly of the Church of *Scotland*, then at *London* (Sir *Archibald Johnston* of *Wariston*, and Mr. *Rutherfurd* being of that number) in their *Reformation of Church-government in* Scotland *cleared from some mistakes and prejudices, pag.* 17. do assert, that, *To limit the censure of Excommunication* (the like may be said of Suspension and Deposition of Ministers, and other Censures) *in matter of opinion, to the common and uncontroverted principles; and in the matter of manners, to the common and universall practices of Christianity; and in both, to the parties* KNOWN LIGHT, *is the dangerous doctrine of the Arminians and Socinians, &c.* To this we adde a further Consideration of that Objection mentioned before: [How Judicatories can, without wronging Christian Liberty, inflict Censures, or put men to suffer, who professe, that, after examination of the Decrees or Constitutions, they cannot be perswaded of the lawfulnesse of the same?] To this (beside what is before marked) further answer is given by Mr. *Gillespie* (in his *Assertion, part.* 2. *chap.* 4. *pag.* 152, 153.) 1. *That our Divines by these Tenets* (of Christian liberty and the allowance of a privat judgement of discretion) *do not mean to open a door to disobedience and contempt of the Ordinances of a Synod: but only to oppugn the Popish errour concerning the binding power of Ecclesiastical*

ſiaſtical Laws by the ſole Will and naked authority of the Law-maker, and that Chriſtian People ought not to ſeek any further reaſon or motive of obedience: And we are ſo far from this, that we not only offer reaſons of Laws to be actively obeyed (of which he here ſpeaketh) but even of Sentences to be ſubmitted unto, though the contemners and diſobeyers will not ſee them. 2. *A Synod muſt ever put a difference betwixt thoſe, who out of a real ſcruple of conſcience, in a modeſt and peaceable way, refuſe obedience,* (underſtand active obedience, to which he is ſpeaking) *to their Ordinances, ſtill uſing the means of their better information: and thoſe who contemptuouſly or factiouſly diſobey the ſame, labouring with all their might to ſtrengthen themſelves in their errour, and to perſwade others to be of their mind.* How applicable this diſtinction is to the carriage of theſe *Witneſſes*, in the matters of our late differences, we leave even to themſelves to judge. The ſame Mr. *Gilleſpie*, in his *Miſcellanie Queſtions*, chap. 16. pag. 207. ſaith, *It is no tyranny over mens conſciences, to puniſh a great and ſcandalous ſin (ſuch as the refuſing and oppoſing of the Covenant, or a dividing from it) although the Offender in his conſcience believe it to be no ſin, Yea, peradventure believe it to be a duty. Otherwiſe it had been tyranny over the conſcience to puniſh thoſe who killed the Apoſtles, becauſe they thought they were doing God good ſervice*, Joh. 16. 2.

2. But ſeing all men, and even Church-judicatories, are fallible, let it be ſuppoſed, that a Sentence is unjuſt, (and be it ſtill remembred, that it is but ſuppoſed, and not yeelded. For, as it can hardly be imagined that a Judge will pronounce a Sentence which he accounteth unjuſt, So we deſire that our ſuppoſing the injuſtice of their Sentence, be underſtood without any prejudice to Judicatories right, in maintaining the juſtice of their own Sentences) And let the Queſtion be of a Church ſo conſtituted, and ſound and orthodox, as is before expreſſed, and of Sentences, ſuch as we have qualified for the matter of them; And we do hold that they ought to be ſubmitted unto, and ſuffered under, without counteracting: and that the former conſiderations, preſſing Submiſſion in generall, do take place, even in this caſe. This we might eaſily confirm from the generall practice of the Godly in all ages, and particularly of the Non-conformiſts, who, as they put a vaſt difference between ſubjection

ction and obedience, ſo in their practice, they did chearfully ſuffer under unjuſt Sentences, and did vindicate the aſperſions caſt upon their non-obedience, by their readineſſe to ſubmit and ſuffer. Who ſo will be pleaſed to peruſe *Parker* on the Croſſe, *Chap.* 4 *Sect.* 12, 14, 15. will find they were ſo far from owning Non-ſubmiſſion to theſe unjuſt Sentences of Biſhops for their non-conformity, that they did owne Submiſſion, and vindicate their practice in ſubmitting, from the aſperſions caſt upon them for it, and did encourage themſelves and the Church, by believing that the loſſe of their Miniſtry ſhould be the Lords gain and the Churches. It is the poſitive judgement of *Beza* (as we heard before from his *Epiſt.* 12.) that godly men in *England* ſhould not continue to preach, againſt the Queen and Biſhops will; where he addeth, that having in theſe caſes, *atteſted their own innocencie, and eſſayed all remedies in the fear of the Lord, they ſhould yeeld to manifeſt violence.* The Provinciall Aſſembly of *South-holland*, met at *Delph*, go a further length againſt the Remonſtrants, *Act. Synod. Dordr. pag.* 86, 87. where, having ſpoken ſeverall things in anſwer to the *Arminians* argument againſt a Synod and their Submiſſion thereunto, becauſe the Members thereof are all fallible men; and having aſſerted, that there is ground of confidence, that Chriſt, according to His promiſe, will be preſent and direct a lawfull Synod, gathered together in His fear, to judge in matters according to the Word of God, that nothing ſhall be decreed therein to the prejudice of His Truth and Kingdom: They expreſly adde, *Sed fac aliquid ejuſmodi decretum iri, &c. But let it be ſuppoſed, that ſome ſuch thing be decreed, yet truth will not therefore ſtill be kept at under, but will in due time break forth again. But, in the mean time, order, quietneſſe and peace ought to be kept in the Church of Chriſt. For God is not the God of confuſion or diſorder, but of peace; and therefore will have all things to be done in His Church, orderly, peaceably and quietly. Now there can be no order nor peace in the Church of God, if every man be permitted to teach what he will, and be not obliged to give an account of his Doctrine, nor ſubmit himſelf to the judgement of any Synod, according to the precept of the Apoſtle,* 1 Cor. 14. 29. 32. Another inſtance in ſtead of many, is the judgement and practice of theſe Authors of the Treatiſe formerly mentioned againſt the Browniſts, ſuffering for the cauſe of

Non-conformity. They being challenged by the Brownists for going to the Bishops Courts, for standing and falling at their commandment, or yeelding to their suspensions and deprivations; After they have given their reasons for their going to these Courts, and reverencing and yeelding to their Censures according to the Law of the Land, which did establish conformity: They adde, (*pag.*41.) *If it be said, That the Church is not to be obeyed when it suspendeth and depriveth us for such causes as we in our consciences know to be insufficient: We answer, That it lieth in them to Depose, that may Ordain; and they may shut that may open. And that as he may with a good conscience execute a Ministery by the Ordinance and calling of the Church, who is privy to himselfe of some unfitnesse, (if the Church will presse him to it) so may he, who is privy to himselfe of no fault that deserveth Deprivation, cease from the execution of his Ministery, when he is pressed thereunto by the Church. And if a guiltlesse person put out of his charge by the Churches Authority, may yet continue in it; What proceedings can there be against guilty persons, who in their own conceit are alwayes guiltlesse, or will at least pretend to be so; Seing they also will be ready alwayes to object against the Churches judgement, that they are called of God, and may not therefore give over the execution of their Ministery at the will of man.* By which it evidently appeareth, that the judgement and practice of these ancient Worthies and suffering Presbyterians hath been point-blank opposit to the Doctrine of these new Teachers and modellers of Government, and that the strength of the Arguments in this Pamphlet were not unknown to them when they thus determined and practised, as may appear from the very last words above cited, and from what we have elswhere cited of their Answer to the Objection taken from *Act.*4. 19, 20.

But that we may make this truth appear more distinctly, we premit these generall considerations. 1. That the wise Lord hath been pleased to intrust the Government of His House into the hands of fallible men, who not only may, but sometime actually do erre. 2. That no judge either Civil or Ecclesiasticall, hath any Commission or Authority from God, to sin, or enact an unjust Sentence. And that this is not to be restricted to Church-judicatories only, cannot be doubted by any Christian who holdeth the Magistrats Authority and Commission to be from God, who doth not authorize

rize any to ſin. For, as power is given to the Church, *to edification, and not to deſtruction*; So Magiſtrates ought not to be *a terrour to good works, but to the evil*, Rom. 13. 3. 3. That every particular wrong act or acts do not diveſt a Judge of his Authority (though it be granted he hath no Commiſſion or Authority to do theſe acts, as they aſſert, *p. 96. præcog.* 5.) but he remaineth the Judge and lawfull Authority of the Church or Nation, as is clear in right reaſon, and by Scripture Rules. For if it be aſſerted, that an unjuſt Sentence, one or moe, do make void the Authority of the Judge, this will overthrow all Government, Eccleſiaſticall, Civill, or Oeconomicall. Mr. *Gee* in his Treatiſe of the Civil Magiſtrate, *pag.* 36, 37. urgeth, that indeed lawfull powers are bound to uſe it lawfully, but yet aſſerteth it as *yeelded by all*, that this is not ſimply neceſſary to the being of a lawfull power; but *a power that is unlawfull only as to exerciſe, may be for its habit, and being, included in the Text*, (Rom. 13.) *and its irregular actings only diſcarded from it.* 4. That by the Word of God, Submiſſion or paſſive obedience is required and commended in ſome caſes, and that of a different nature from the ſuffering of guilty perſons, *Matth.* 5. 10, 11. 1 *Pet.* 4. 15, 16. And that in ſome caſes, the People of God are called to ſuffer without reſiſting, as hath been the frequent practice of Saints, and aſſerted by all Orthodox Divines, writing upon Subjection as contradiſtinct to Obedience. 5. That as Schiſm is an evil diſapproven, and never warranted of God; So a man may be guilty of Schiſm, who not only maketh a Rent and cauſeth diſorder upon a cauſe deſtitute of truth, but alſo upon a cauſe not weighty and relevant, though true in it ſelf. This is ſo obvious to all who are any thing acquainted with the Scriptures, and with the Writings of the Ancients, or latter Divines upon the nature and evil of Schiſm, that it is needleſſe to inſiſt on the probation of it. Whoſo pleaſeth to peruſe Mr. *Baxter* in his *Explication of the Agreement of the Miniſters of Worceſter-ſhire*, pag. 119. will finde much to this purpoſe in few words. And, among others, theſe paſſages, *If the Scripture were conſcionably obſerved, men would take Church-diviſion for a greater ſin than Adultery or Theft. Mutinies and Diviſions do more infallibly deſtroy an Armie than almoſt any other fault or weakneſſe: And therefore all Generals puniſh Mutineers with death, as well as flat Traitors.* And a little after, *Com-*

monly they that divide for the bringing in of any inferiour truth or practice, do but destroy that truth and piety that was there before.

We might upon these grounds multiply Arguments, as they have taken pleasure, it seemeth, that way, to make a shew of many, which may be reduced to very few; But we shall content our selves with these. 1. If there be a Submission and passive Obedience due by Christians in any case to the Sentence of a Judicatory, and commended of God, as hath been presupposed, and cannot without contradicting the principles of Christianity be denyed; Then certainly it must be due to unjust Sentences. For unto just Sentences, requiring a duty under pain of Censure, active obedience and not passive is due by the Word of God. And as for Sentences inflicting Censures, it is true, Submission to such just Sentences is due by the Word of God, but that is not the passive obedience required, and so much commended in Saints, in the Word, but only that suffering which is contra-distinct to suffering as evil doers, or for just causes, as is clear from 1 *Pet.* 2. 18, 19, 20. and 4. 14, 15, 16, 19. So that unless they will banish a command to suffer according to the will of God, or cleanly suffering with a good conscience, out of the Bible, they cannot avoid this. 2. As it is granted, that Authoritie and Submission are correlative, *pag.* 45. And that in just Sentences, beside the obligation of the matter, there is a formal obligation by its coming from such an Authority, *pag.* 46. So in an unjust Sentence, albeit Judges have no authority nor warrant from God to do that act, and it is null before Him; nor doth it oblige the conscience by vertue of the matter of it: Yet so long as they continue the standing Authority of a Church, somewhat is due to them relative to that Authority, and that is Submission. If they could make them *simpliciter* no Judges, because they erre in a particular fact, they would say somewhat: but seing they are still lawfull Judges, even when they pronounce that Sentence, though they fail in it; It must be held as of general verity, that while persons continue invested with lawfull Authority, Obedience, or (if obedience cannot with a good conscience be given) Submission is due to their actings by privat persons: For, if Submission and passive obedience, or cleanly suffering, be due in any case, and that not to just but to unjust Sentences, and if the Submission be due not by vertue of any warrant given by God to pronounce that Sentence, (for there is none) Then certainly there is a Submission

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due to the ſtanding Authority of a Judge or Court, as they continue ſtill Gods Ordinance, though they erre in that particular. This conſequence is not only owned and urged by Mr. *Durham* on the *Revelation*, pag. 100. That *ſubmitting unto Church-power is a neceſſary and concerning duty*, and that without this Submiſſion, *there could be no Government nor exerciſe of Power*. But their own very conceſſion (formerly mentioned) *pag.* 45, 46. doth put it beyond all controverſie. For, if Authority and Submiſſion be correlative, and the one cannot ſubſiſt without the other, more than one relative can actually ſubſiſt without its correlative; Then we hope it is no ſlander to ſay, that *Submiſſion is eſſential to Presbyterial Government*, ſeing Logicians have taught us, and they grant it, that take away a relative, and the correlative ceaſeth to be. And therefore alſo either muſt the Authority of Judicatories, when they pronounce ſome unjuſt Sentence, be totally annulled, or Submiſſion muſt be payed as due to that Authority, as hath been ſaid. This may (3.) be further confirmed *à pari*: Magiſtrates are bounded by the Word of God, that they may not, by their Commiſſion, judge unjuſtly, nor pronounce an unjuſt Sentence, more than Church-judicatories: And yet albeit Magiſtrates do decree an unrighteous Sentence, they may not be reſiſted, but muſt be ſubmitted unto by privat perſons, unleſſe they would reſiſt the Ordinance of God, though coming ſhort of the Rule in that particular act. Now, if this be granted to the ſtanding Authority of Magiſtrates, erring in a particular fact (and granted it muſt be, unleſſe men will blow the Trumpet of Rebellion to every privat perſon, and condemn Saints in former ages, in their ſuffering under the unjuſt Sentences, even of wicked Magiſtrates) it cannot be denied either to the ſtanding Authority of Church-judicatories: Seing the caſe is alike as to the Authority of both to do evil, and Subjection is due only in the Lord to the one as to the other. And here we deſire the Reader to take notice of a paſſage of Mr. *Burroughs*, in his Lectures on *Hoſea*, chap. 1. ver. 10. pag. 111. cited by Mr. *Gee*, *Treatiſe of the Magiſt.* pag. 257, 258. where, having denied that Submiſſion, active or paſſive, is due to the Commands of men till it be brought to a Law, and they be a Power; He ſubjoyneth, *When things are brought into a Law*, (underſtand a lawfull Authority eſtabliſhed *according to the Agreements and Covenants of the place where we live*, as the following

lowing words are) *and then ſuppoſe this Authority be abuſed, and there be an ill law made, then (I confeſſe) if the law be of force, we muſt either quit our ſelves of the Countrey, or elſe ſubmit or ſuffer. When then it cometh to be a power, to be a law, it is Authority though abuſed, and we muſt yeeld obedience to it, either actively or paſſively.* If it be ſaid, that men ſubmit to the force, not to the Authority, of the civil Magiſtrate, in theſe caſes. *Anſ.* Not to inſiſt that they know the Church alſo uſeth all the force they have, and ſo the caſe is alike; It would be conſidered, That to ſubmit only to the force of a Magiſtrate pronouncing and executing an unjuſt Sentence, is only that Submiſſion *out of prudence, and for preventing other diſturbances*, which Mr. *Burroughs* (in the forecited place) granteth may be yeelded to unlawfull powers: But it is not that Submiſſion *out of conſcience* which he holds to be due to lawful Authority and their laws, even when Authority is abuſed in making them. For it is a Scripture Rule, that we are to be *ſubject not only for wrath, but for conſcience ſake*, Rom. 13.5. Which Mr. *Gee* (*pag.* 112.) expoundeth, *a ſubjection of conſcience, as the principle of conſcience is contra-diſtinct from terrour and compulſory puniſhment.* And it is known, ſufferers uſe not to wait for force to make them ſubmit, but do it in ſubmiſſion to Authority. Condemned perſons wait not till they be drawn to the place of execution, but go on their own feet, and baniſhed perſons will depart upon the charge of a Magiſtrate. Yea, where men unjuſtly Sentenced have been in a capacity to reſiſt force, (as Chriſtians were in the Armies of Pagan Emperours) yet they have ſubmitted to Authority and ſuffered. 4. That which taketh away all uſe of Appeals, inſtituted by Chriſt in the caſe of mal-adminiſtration, cannot be of God; for one Ordinance of God doth not make another of no effect. Now this Doctrine of Non-ſubmiſſion and counter-acting doth make void all uſe of Appeals; For (as hath been cleared before) the Appeal from an unjuſt Sentence, ſuppoſeth ſubmiſſion to it in the mean time: for, let it be holden, that ſuch a Sentence is null and not to be ſubmitted unto, and let a Church owne that principle, and there needeth no Appeal. 5. That alſo which involveth a man in the guilt of Schiſm, cannot be of God: But a man not ſubmitting to ſome unjuſt Sentence, is involved in the guilt of Schiſm, becauſe though he have right on his ſide, yet his perſonall ſuffering is not

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tanti, as to be laid in the ballance with the confusion and open contempt of lawfull Authority, and other inconveniences attending upon his Non-submission. And albeit his Judge must answer to Christ for his unjust Sentence, yet he must answer for his Schism, if he suffer not patiently. 6. To this may be added, That it should rub an imputation upon the wisdom of God, who hath put this trust in fallible mens hands, who may and do erre, if Submision were not a safe *medium* to be acquiesced in, betwixt the rocks of sinfull obedience, and schismaticall contra-acting in a Church, or rebellion in a State. For the governing of us not being entrusted to men who cannot erre, without this *medium* men can hardly walk under the dispensations of providence toward them, but either they must split on one hand or other; Whereas now by yeelding suffering to be commanded of God, and a duty laid upon us in such cases, we wipe off all imputations cast on Him, and may walk in peace of mind, though with some personall prejudice.

VII. As to the Arguments which they muster up against this Submission, if we hold them at their word, *pag.* 115, 116. that in some cases they would not much contend about it, (of which we have also spoken before) we might leave it at their own door to answer them, and to clear how, in any case, they would not contend about what they plead so much against as sinfull. For sin, in any case, and in any matter, is sinfull, and so not to be yeelded unto. And if they can bring sufficient reasons why, in the cases they mention in the fore-cited passage, they may submit to an unjust Sentence, They will save us a labour in vindicating our selves, and answering their Arguments, against the Submission we plead for. But for further satisfaction, As we have already in this debate met with many of their reasons and particular branches of them, and either answered them, or laid them aside as impertinent to our Question, which we shall not now repeat; So we do offer a brief return to what is (or seemeth to be) further materiall in their reasonings, in these particulars.

1. Their scope in a great part of their discourse and Arguments, is, to evince, That becaus Judges have no Commission or Authority from Christ to pronounce an unjust Sentence, Therefore they are not to be submitted unto, unless men will take their will and arbitriment for a law to their Consciences. But this is a great fallacy and

and confounding of things that are very different; Namely, of the Rule whereby Judges ought to walk in their administrations, and the rule whereby the Lords people ought to walk under these dispensations of providence toward them, whereof humane Judges in their administrations, are the interveening Instruments. We yeeld, that Judicatories are limited by their Commission, that they may do no unjust act; and if they do, they must answer to God for it: We yeeld also, that the rule of their Commission, doth regulate also those who are under them, as to their approving or giving active obedience to their injunctions. But when it comes to the matter of suffering, and being passive after we have exonered our selves, we do not look to their will as our rule or ground of our Submission, but to a peculiar Command of God enjoyning Submission in such cases, to prevent schism and confusion. This may easily take off the most of their reasonings. They urge Acts of Assemblies, *pag.* 51. that Ministers ought to be censured for lawfull and just causes; and take much pains to prove that Judicatories are bound to judge according to the Word, *Arg.* 1. and elsewhere; And when they do otherwise, that they act that for which they have no Commission nor power, *pag.* 96. All which we grant to be true of Ecclesiasticall Judges, as it is also alike true of Civil Powers, that none of them have a power to judge unjustly, and that God who commands us to be subject unto them, commands them to judge justly: And therefore in the case of unrighteous judgement, we neither approve nor give active obedience: yea, we are free, for the liberation of our own souls, to contradict even an Occumenick Council, Angels, Prophets, and Apostles, if they determine contrary to the Word of God, as they have it, *Arg.* 8. (yea, and to do more also, if they bring in another Doctrine of the Gospel, to which the Scripture there cited speaketh, *Gal.* 1. 6, 7, 8.) And so shall deny them also any power over our Consciences, nor shall we set them on Christs Throne (which they charge upon our opinion, *Arg.* 3.) as to the acknowledgement of their Sentences to be just, or any approbation, in our practice and active obedience, of what in our Consciences we disallow, (which is all can be inferred from the principles of Nonconformists, concerning the freedom of Conscience, mentioned also, *Arg.* 3.) Yet it cannot from all these be inferred, that there is not a command of God obliging us, in Conscience, to suffer unjustly, rather

rather than make a Schism, and pour contempt upon standing lawfull Authority. Nor is it soundly argued, that because they do not their duty in their station (for which they must give an account to God) therefore we are not bound to suffer what we are called to, in our stations, Or, that suppose men should play the Popes in pronouncing an unjust Sentence (such as is above qualified) against a man, as they have it, *Arg.* 14. Therefore the sufferer may lawfully sin too. This opinion is so far from dethroning, that it doth exalt Christ, and doth deny to men what is not due to them, and yet giveth to Christ what is due to Him. Likewise, when they urge so much, *Arg.* 9, and 10. that it argueth the Scriptures of imperfection, giveth what is due to them to Judicatories, and must infer the infallibility of Judicatories, that they must not be contradicted, nor contra-acted, but their will must be a law, as they elsewhere tell us; There is all along a great mistake in the case: For, not only is that *of not contradicting* put in without cause, seing men may contradict, as to the declaration of their judgement, when yet they submit; But we never asserted a Judicatory might be contra-acted in no case (as we cleared before in laying aside their eleventh Argument, and other reasonings) we are only now debating about Submission to Sentences qualified as is above expressed: And what submission we pay in these, we are so far from setting up mens infallibility, or from derogating from the Scriptures, as to their perfection, and sole Authority over our Consciences, that it is not out of conscience of the justice of the Sentence, but in obedience to the sole command of God, bidding us respect lawfull Authority and suffer in such cases, that we pay it. And it is upon the supposition of the Judges fallibility, yea, and their erring actually, that we presse this Submission, as contra-distinct to active obedience. So also as to the Scriptures which they cite, *Arg.* 2. That we should not be the servants of men, but stand fast in our Christian liberty, and obey God rather than men; They have borrowed these weapons from Independents, who (as Mr. *Rutherfurd* telleth us, *Peac. Plea, pag.* 193.) borrowed them from Anabaptists and Socinians, arguing against the places of Kings, Judges and Magistrates. But the argument is easily answered, that we obey God and not men, and are His servants and not theirs, in this Submission; And that the people of God are free, as to the enslaving of their Conscience with the approbation, or their practice with doing

of any thing that is unjuſt; yet they have not an immunity from ſtouping to ſuffer when God calls them to it. And let the caſe be but inſtanced in a Magiſtrates unjuſt Sentence againſt particular perſons, and it will ſay for it ſelf, whether their Chriſtian liberty will reach a Non-ſubmiſſion or not. Likewiſe, when they urge, *Arg.* 12. that unjuſt Sentences are null in themſelves, and therefore cannot bind to Submiſſion and ſubjection: We grant that *in foro interno*, it is a null Sentence, not obliging the Conſcience to any approbation thereof; Yet *in foro externo*, it is ſo far valide, as a man cannot deny ſubmiſſion thereunto without ſinning againſt God, in contemning the ſtanding lawfull Authority of a Church, in making a Schiſm, and declining to ſuffer when God calleth him to it. And in this the very Independents agree, though they differ about the ſubject inveſted with the power of the keyes; for they tell us, in their *Defence of the nine Poſitions*, pag. 210. *That a Miniſter derives all his authority from Chriſt, by the Church indeed, applying that Office to him, to which the authority is annexed by the inſtitution of Chriſt; Hence being the Miniſter of Chriſt to them, if they without Chriſt depoſe him, they hinder the exerciſe of his Office, but his right remaineth.*

2. While they urge, that Miniſters are over us *in the Lord*, 1 *Theſſ.* 5. 12. *Arg.* 1. And that we are to be ſubordinate to Church-power only *in the Lord*, *pag.* 95, 96. That is ſo far from warranting Non-ſubmiſſion, and contra-acting in the Queſtion betwixt us, that it doth ſtrongly aſſert it. For (to omit many other things which the Learned finde imported in this) *to be ſubject in the Lord*, as it imports, 1. An acknowledgment in our Conſciences of their lawfull Authority, And, 2. active obedience to what they command in the Lord: So, 3. in the caſe of an unjuſt Sentence, it requireth ſuch ſubmiſſion and paſsive obedience, as He hath enjoyned us in His Word in ſuch caſes; (which what it is, hath been ſpoken to before) and ſo it confirmeth our Aſſertion. That this is not a forced Interpretation, may appear, were it but from this one conſideration, That this qualification of Submiſſion and Obedience *in the Lord*, is not required in reference to Church-judicatories only, but of children alſo in reference to their Parents, and conſequently of all inferiours paying ſubjection to their Superiours in their ſeveral ſtations, as is clear from *Eph.* 6. 1. *Col.* 3. 18. and elſewhere.

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Now, it is not to be supposed that the Apostle warranteth children, servants, or subjects to resist and counteract all the unjust corrections and Sentences of their Masters and Superiours, but that they should submit and suffer rather. For we find in Scripture, that it is the commendable duty of children to submit to their parents, even when they chasten them for their pleasure only, *Heb.* 12. 9, 10. As also of christian servants to suffer unjustly under their bad Masters, 1 *Pet.* 2. 18, 19, 20. and generally of all Christians to suffer under their persecuting Magistrats, 1 *Pet.* 3. 14, 15, 16, 17. and, 4. 12, 13, 14. 15, 16. and frequently throughout the Scriptures. And this, together with what hath formerly been produced, may satisfie that part of *Arg.* 1. wherein they call for a precept or precedent in Scripture to clear this matter. For here we find there is Scripture-warrant for this Submission, to which we may adde, That the practice of the suffering People of God in all generations, is a clearer Commentary to these Texts, than all the glosses (tending but to sedition, schism and confusion of human society) they can fasten upon them.

3. While they urge, (*Arg.* 15. *pag.* 113, 114.) That this brings in a Tyranny in the Church, and by parity of reason condemneth defensive Arms, which are judged lawfull against State-tyranny: We are so far from allowing Tyranny or Injustice in the least, that we maintain, that all Judicatories are bound to judge righteous judgement at their peril. And if they proceed to ruine all Religion (as this Argument carrieth it with vehemency enough, to say no more) we have already cleared what the People of God may lawfully do in such a case; yea, in unjust Sentences of lesser moment, not only inferiour Judicatories, but even particular persons in their stations, may do more than *whisper once against them* (as they are pleased to phrase it) and yet submit when they have done. But as to the Question betwixt us and this Church, they will find their Argument from defensive Arms to fail them. For (not to dip any further in that Question) no learned man ever allowed even the body of a Nation, or their Representatives in Parliament, to rise against a Prince (far lesse a party only, be they persons, or some inferiour Judicatories, against the Supream Magistrate, or a National Church and her Representatives, which is our case) upon the account only of the unjust sufferings of particular persons, while yet the affairs of Church and State were well ordered, That would soon make more

unjuſt ſufferers than would be under lawfull Authority not reſiſted, poſſibly in many ages. And we believe it is without precept or precedent, that privat ſubjects or inferiour Courts, ſhould riſe in Arms againſt their Prince or Parliaments, only becauſe they inflict ſome unjuſt Sentences on themſelves or ſome privat ſubjects, while yet they adhere unto, and overturn none of the righteous things concluded in a Nation. And therefore this Church being through mercy ſetled in the matter of Doctrine, Worſhip and Government, they may ſpare this Argument, till they prove this Church to be overturning all or any of theſe.

4. That wherein they ſeem to place no ſmall confidence in this matter (as appeareth by their frequent repeating and expatiating thereupon) is, that reaſon of the Apoſtles for their Non-ſubmiſſion to the Council at *Jeruſalem*, *Act.* 5. 29. *It is better to obey God than men*, together with theſe Commands of God, enjoyning Miniſters to preach the Word, and Chriſtians to partake of the Sacrament, in remembrance of Chriſt, 2 *Tim.* 4. 2. 1 *Cor.* 11. 24. Theſe they propound, *Arg.* 2. *p.* 99. and the moſt of their reaſoning thereupon is again recapitulate in ſhort, *Arg.* 4. That theſe duties being commanded by God, they cannot omit them without ſin, upon that non-relevant reaſon, of the meer will of men, unjuſtly ſentencing them with Depoſition and Excommunication. This they urge further, *Arg.* 2. *pag.* 100, 101. from the inſtances (not only of the Apoſtles, and *Jeremiah*, and *Amos*, to which we have ſpoken before, but) of *Daniel*, counteracting the Decree of *Darius*, *Dan.* 6. and of the mans confeſſing Chriſt, though caſt-out by the Jews for it, *Joh.* 9. But (to ſay nothing that this laſt inſtance will not prove that Non-ſubmiſſion to the Sentence of Excommunication, which they there ſpeak of, unleſſe they make it appear that the man did not only confeſſe Chriſt ſtill, but obtrude himſelf alſo upon the Jews in their Church-ſocietie) The Anſwer to this is eaſie, if we take notice of a twofold diſtinction, 1. We would diſtinguiſh humane prohibitions of duties commanded by God. For, ſome prohibitions are not only reſtraints put upon ſome perſons as to the exerciſe of theſe duties, upon the account of theſe perſons incapacity (real or ſuppoſed) to go about the ſame; But are in effect and chiefly a condemning of theſe duties in their very nature and kind, as not to be obſerved by any perſon whatſoever: and ſo do not touch upon the incapacity

capacity of the persons who are prohibited, but upon the things themselves, considered as such moral performances, which are prohibited. Such a prohibition was that of *Darius*, which was a politicall Decree prohibiting the very duty of Prayer unto God, and that to all men universally, not to *Daniel* or some others only, upon any personal incapacity in them. So the Decree of the Jews was against the very duty of confessing Christ, and not a restraint upon some persons only, that they should not be the performers of that duty. And their Decree against the Apostles preaching, was a Law and dogmatick Determination against the whole Doctrine of the Gospel and the publishing thereof to the world, and not a restraint put upon the Apostles only, while they allowed others to do it. For, it may appear from their own words, *Act.* 4. 17. and 5. 2. that their quarrel was not against the Apostles preaching, but against the Doctrine which they preached, *in this Name*. They offered not to silence them from publishing Doctrine *simpliciter*, but from publishing this Doctrine. Again, There are some prohibitions which are meer disciplinary Sentences, restraining persons from such duties of an office, or the use of such priviledges as they not only allow of in their nature and kind, but do allow others in the practice and enjoyment of them, and do only restrain others therefrom upon the account of their personal incapacity, real or supposed. *Ex. gr.* when a Church-judicatory deposeth a Minister from preaching of Christ, upon the account of insufficiency or scandall, or debarreth a Member from participation of publick Ordinances; suppose they do erre in the particular, yet they are so far from condemning of these duties, of preaching of Christ and partaking of the Ordinances, that they provide another to preach in the room of him whom they have put out, and do see to the dispensing of the Ordinances daily, and to the inviting of the rest of the Congregation to joyn in the participation thereof. That there is a vast difference betwixt these two sorts of prohibitions, may appear further in this (beside what is said) that prohibitions of the first sort, are simply and in their nature and kind unlawfull, nor can any such Decree be lawfully made at any time: But disciplinary Sentences are not unlawfull in their nature and kind, but may, in some cases, lawfully be pronounced and executed, as is confessed by all. And as to the application of the distinction to the case in hand; We need

need not meddle with it in the matter of prayer and confeſſing Chriſt, ſeing (as we ſhall hear upon the ſecond diſtinction) theſe fall not within the compaſſe of Diſciplinary Sentences. But as to the matter of preaching and participation of publick Ordinances, which are the things in debate betwixt us, we may hence take a clear ſolution of the difficulty. For, let once a Church-judicatory grow ſo corrupt, as to condemn the duties of preaching Chriſt and participation of publick Ordinances, in their very nature and kind, and as to all ſorts of perſons univerſally: (which is the true caſe held out in their Inſtances; for even the falſe Prieſt at *Bethel*, and the Rulers at *Jeruſalem* did condemn the Doctrine preached by *Amos* and *Jeremiah*, and did not quarrell only *their preaching* of it while they did allow it in others) And in that caſe, we ſhould without ſcruple (as was ſaid before) conclude them no true Courts of Chriſt; and conſequently, not to be ſubmitted unto. Yea, in caſe ſuch decrees were publiſhed, we ſhould hold it a caſe of Confeſſion for Miniſters to preach, and people to frequent Ordinances, ſo long as they had liberty or opportunity. And ſo, though neither the Apoſtles nor Prophets had been extraordinarily called, nor cloathed with a Commiſſion unrepealable (as hath been ſaid) by any on earth, their warrant was ſufficiently clear in that caſe to hold up the oppreſſed truth of the Goſpel, againſt the ſworn enemies of Chriſt and the Goſpel, who would neither preach Chriſt nor ſuffer Him to be preached by any other; as we heard from theſe worthy Non-conformiſts, Authors of the Treatiſe againſt the *Brownists* formerly mentioned. But on the other hand, When a Church doth owne all the Truths of the Goſpel, and all the Ordinances of Chriſt, and doth no ſooner put out one from preaching of Chriſt, but they provide another to make up that want, and do diſpenſe the Ordinances in purity to the people of God; In ſuch a caſe, (which, through mercy, is the caſe of this Church, as we have heard) Suppoſe they do erre in diſcharging one to Preach, and another to come to the Ordinances: It is not the will of God that perſons ſo ſuffering ſhould make a Schiſm by their Non-ſubmiſſion and counteracting, upon the account of their perſonall ſuffering, or prejudice, as the preceding Arguments do abundantly prove: But, having uſed all lawfull means of redreſſe, by Appeals to ſuperiour Judicatories, they ought to acquieſce, and ſubmit to the will of God calling them to ſuffer,

ſuffer, rather than run upon the many inconveniencies formerly mentioned. But to clear this further, (2.) We would diſtinguiſh duties commanded us by God, wherein we may be reſtrained by men. For, there are ſome morall duties incumbent to Chriſtians ſimply and abſolutely as they are Chriſtians, and which are ſimply in their own power, by themſelves and independently from others, and enjoyned them without any reſpect to their Subordination or relation to others in the Church; So that to their performance of them, they neither need a call impowering them thereunto, nor are dependent upon the concurrence of any others, in or to the ſame: Such as prayer to God, and confeſſing of Chriſt, which are of morall naturall right: And there are other duties of morall poſitive inſtitution, which are not in mens own power ſeverally and by themſelves, and independently from others in the Church, but ſome way in the power of others beſide themſelves; and are incumbent to men as they ſtand in relation or Subordination to others; And are either duties to be performed by men as they ſtand cloathed with an Office, received by the interveening Miniſtery of the Church; ſuch as the ordinary Miniſteriall preaching of the Word, and the adminiſtration of other publick Ordinances: Or priviledges which they do enjoy by the Miniſtery of others, who are to diſpenſe them unto them, or alſo by the joynt concurrence of others with them therein; Such as the participation of Sacraments, publick Aſſembly-praying and praiſing. The difference here is very conſiderable, Both as to the power of Diſciplinary Sentences, about them (for Sentences of Church-cenſures are not converſant about performance of duties of the firſt ſort, but only of the ſecond; nor can there ever in any caſe, a reſtraint be lawfully put upon men in the matter of praying and worſhipping God, or confeſſing of Chriſt, as there lawfully may be, in ſome caſes, in the ſecond ſort of duties) And, as to the matter of Submiſſion to Sentences reſtraining men from, and forbearing of the performance of them. For, the firſt ſort are ſo intirely in our own power, that we neither need a call from any, warranting us to go about them, nor the concurrent acting of any other for our enjoying the liberty thereof. And they are ſo abſolutely commanded, without reſpect to any dependence upon any other; and are ſo abſolutely neceſſary, *neceſſitate medii*, for a mans glorifying of God, and his own

own eternal ſalvation, That it muſt be a ſin not to obſerve them conſtantly, as affirmative precepts ought to be obſerved; yea, a double ſin not to adhere to them in a caſe of Confeſsion, as it is when theſe duties are prohibited by men. But as for the ſecond ſort of duties, Albeit (as hath been ſaid) there can be no ſubmitting to forbear them upon any decree of men prohibiting them in their very nature and kind; Yet, being duties that are not abſolutly neceſſary, *neceſſitate medii*, and being, as to the exerciſe thereof, not wholly in our own power, of and by our ſelves, but ſome way dependent upon others alſo, So that we cannot go about them, without a call and warrant from others, nor enjoy the exerciſe of them by our ſelves; Therefore in caſe the Church, who calleth and ordains a Miniſter, will not ſuffer him to preach, Or a Miniſter (who hath the truſt of diſpenſing Ordinances) will not diſpenſe the Sacrament to a member, the ſufferer breaks no command in ſuffering that injury, after he hath eſſayed all lawfull means of redreſſe. Seing his forbearance is not *a voluntary and elective omiſſion* of the duty he is reſtrained from, but *a patient ſuffering* of an injury, under a neceſsity whereof providence hath brought him, unleſſe he would commit a morall evil which he is oblieged not to do by naturall right, *viz.* make a Schiſm in a true Church, and bring contempt on lawfull Authority. It is his affliction, and not his ſin, nor is it the violation of any commandment, but only a ceſſation from a duty commanded, when he cannot do it without the violation of another command of more univerſall and neceſſary obligation. Neither is he by this ceſſation deprived of the exerciſe of any duty abſolutely neceſſary to the honouring of God, enjoying of fellowſhip with Chriſt, and ſaving his own ſoul. And if they deny theſe things, they muſt yeeld alſo, that in ſome caſes (beſide that of an erring Conſcience, which is yeelded by all) a man may be concluded under a neceſſity of ſinning on all hands; As that a Miniſter muſt either ſin by forbearing to preach, or ſin in making a Schiſm by continuing to preach, when he is depoſed by a lawfull Authority in a true Church, though erring in that particular. As ſuch a caſe and ſnare upon men is held by the Learned to be repugnant to the infinite Holineſſe and Wiſdom of God the Law-giver; So we find godly ſufferers before us, very far from judging their Submiſsion and ſuffering to be any violation of Gods command calling them

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to their work. *Parker, on the Croſſe*, Chap. 4. Sect. 14. cleareth that ſufferers in the cauſe of Non-conformity did not voluntarily, wilfully, or ſinfully give-over their Miniſtery, adding, *It is not the leaving of the Miniſtery that is a ſin, but the cauſes why, the end wherefore, and the circumſtances wherein, that maketh the leaving of it ſinfull.* To wit, (as he expreſſeth both before and after in that Section) when men leave it for their gain and eaſe, &c. as Prelats and their creatures did: and not when theſe ſufferers left it to keep a good conſcience, and by leaving thereof, did *perform that duty of ſuffering, and left their Miniſtery to keep their flock, by their example, from the Wolf, and from all liking of his fair ſhews, and not as the careleſs ſhepherd, who leaveth them to the claws of the Wolf*; Yea, theſe ſufferers did *teach them by their example of ſuffering, When they were not ſuffered to do it by doctrine——but did willingly ſubmit to the providence of the Lord; who for the preſent called them from it.* Much more to this purpoſe may be read in the Author at large, in the Section cited, as alſo Sect. 15. Whereas it is ſaid, that it is an omiſſion of a duty *upon a non-relevant reaſon*, of the meer will of men, which they ſo often repeat; and in the cloſe of *Arg.* 3. *pag.* 102, 103. tell us that theſe duties cannot ceaſe to be obliging to ſuch a perſon, *hic & nunc*, upon that reaſon, unleſſe we prefer the commandments of men to the Commandments of God, and ſay, It is better to obey men than God. *Anſw.* It is true that the unjuſt Sentence is the object of the mans ſuffering, and from it is the riſe of his forbearance; but the reaſon why he ſuffers and forbears, is moſt relevant, as being in obedience to the Command of God, requiring us to ſuffer in a matter which is our priviledge and comfort, rather than make a Schiſm. But this is their grand miſtake, that they look only to men as their party, and to the injuſtice of their procedure; But do not remember, that God by that diſpenſation of His providence, in ſuffering lawfull Authority to do them wrong, is calling them to ſuffer. And that when they ſubmit thereunto, it is not to men, but to God alſo, and to the Order eſtabliſhed by Him.

5. Whereas they make it a great exception in the matter of Submiſſion, that we are the plurality; and *pag.* 10. they alleage there muſt be no good intention, when the ſtronger party doth preſſe the Submiſſion of the weaker. *Anſw.* We do believe indeed, that

this hath not the leaſt weight with them in this debate; for they have made it apparent throughout the Pamphlet, that were they the plurality, they would not admit of it as a relevant exception againſt them; nor do we believe was this ever an exception before in any true Church. But to the thing it ſelf; As by the Conference for Union, there was ſufficient proviſion offered for ſecuring them in matters of our bypaſt differences: So men of our judgment have yeelded the ſame Submiſſion we require, where they are the plurality. And when a Presbyterie, (wherein the plurality was of their judgment) did depoſe one of our judgment for not ſubmitting to their Sentence of Suſpenſion, the Synod did ratifie the Sentence of Depoſition, though the Synod, as they well know, were of a different judgment from them, and were not ſatisfied with their procedure in his Suſpenſion.

Having now brought this debate to a cloſe, (wherein, though we have not followed their method, yet we truſt we have not ſhifted or paſſed by any thing of weight in all their arguings) And having alſo ſpoken our mind, ſo far as is neceſſary, to the whole Pamphlet, We ſhall only, for a cloſe of all, adde a word to the Reader, and eſpecially to thoſe Miniſters and Profeſſors who differ from us upon the matter of our late debates. And, 1. though we have been neceſſitated to ſpeak ſomewhat home to this Piece, and what is contained in it, in our own and the Churches defence; yet we intreat and obteſt it may not be underſtood as ſpoken to all that Party, but only to the guilty, and chiefly to the Authors of this Pamphlet, to whom this Church and all Reformed Presbyterian Churches do owe little thanks, for their contributing ſo much to the advancement of all Sectarian Deſigns, and their ſtrengthening the hands of all licentious perſons, who live under their inſpection and juriſdiction. We have made conſcience to forbear railing, and have ſpoken many things (the Lord knoweth) in the grief of our heart of their way, which we wiſh had never been, or were buried in perpetuall ſilence. And if any thing of that kind be found which any will diſ-reliſh as, we deſire that charity which Scripture alloweth unto men under much oppreſſion, and do requeſt that our Reaſons may be weighed impartially; So we entreat that none will ſuſpect that theſe things do beget any heart-alienation in us from our Brethren, with whom our ſoul deſireth to be united in the Lord, and who (we truſt) will

return

return theſe Agents little thanks for their ſervice. 2. Though the importunate clamours of theſe men have drawn us out (in our neceſſary defence as is ſaid before) upon the debate of the late Reſolutions, Acts of Judicatories, and Cenſures inflicted by them, which thoſe of our Judgment have ſo often offered to remove, for their part, out of the way, that they impede not an Union: Yet let none think that we have receded from theſe our Purpoſes and Overtures, whereby all theſe debates may be buried. We hold our ſelves bound to Declare, that in theſe things we are where we were, notwithſtanding theſe Conteſts; and do heartily requeſt our Brethren that there may be a condeſcendence on their part. And though we be reflected upon as carnall politick men in theſe our endeavours and offers; Yet we truſt it ſhall be no grief of heart to us one day to be found lovers of Truth and Peace, and ſuch as ſeek Peace and purſue it.

FINIS.

ERRATA.

PAge 39, line 31. read *were depoſed*. p. 55. l. 3. for *that*, r. *than*. p. 56. l. 11 r, *vigorouſly*, *only for*. p 64. l. 6. for *that* r. *their*. *Ibid.* l. 10. r. *as there is guilt*. p.70. l.5. r. *Aſſembly*. *Ibid.* l.12. for *would* r. *will*. p.107. l.22. r.98.